

Monitors' Fifteenth Report

Long-term Compliance Audit
Civil Number 99-5970(MLC)

In the
United States District Court,
for the District of New Jersey

United States Department of Justice
Civil Rights Division

State of New Jersey

Submitted by:

Public Management Resources
San Antonio, Texas
and
Lite, DePalma, Greenberg and Rivas
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EXECUTIVE SUMMARY

During the last reporting period, the State has continued its compliance efforts at a sustained high level. These new compliance levels continue to be, in the monitors' opinions, directly attributable to a focused and clear leadership mandate, emanating from the Office of the Superintendent, placing compliance efforts among the top goals of the agency. Continued cooperation with, and support from the Office of State Police Affairs has focused the State's compliance efforts, with positive effects observed again this reporting period in training, supervision, MAPPS, and inspections and audit processes. Some compliance issues were noted this period that require the attention of the agency if compliance is to be maintained. Each of these areas is discussed briefly below.

Training

Compliance levels continued to be maintained in training for the fifteenth reporting period. Executive training was addressed during the twelfth reporting period, and substantial improvement continues to be evidenced in these areas as well. Again, the monitors find the focus, attention to detail, commitment of resources and results achieved by the Academy during this period to be exceptional. They reflect a strong commitment to, and interest in, the training function by the Superintendent of the New Jersey State Police. The training academy achieved 100 percent compliance during the fourteenth reporting period, meeting the minimum requirements of the consent decree in all areas, and far exceeding the requirements in the areas of curriculum planning, staffing, and development. More than 100 percent compliance is evident in the training function this reporting period. A training oversight incident rose to the surface this period, leading to revisions to departmental SOPs related to training. The system, in effect, "worked," noting that unapproved training was offered to some road patrol troopers, and terminating the training until it is fully vetted by the Academy and approved for delivery to road troopers.

Supervision

As dramatic as the positive changes have been at the Training Academy this period, the changes made in the *process* and *outcome* of supervision of troopers within the New Jersey State Police continues to be even more remarkable. For the seventh consecutive reporting period, evidence exists that New Jersey State Police supervisors are fully engaged in the consent decree compliance process, reviewing in advance of the monitors' notice of selection of Motor Vehicle Stop Reports, 129 of the 151 motor vehicle stop events reviewed by the monitors.¹

¹ The State does not receive advanced notice of the stop incidents that will be reviewed by the monitors.

This 85 percent supervisory review rate yielded 34 instances in which New Jersey State Police supervisory personnel noted violations of New Jersey State Police SOPs and counseled, retrained or otherwise responded to those violations. Only two errors noted by the monitors had not been first noted and corrected by supervisory review. This constitutes an effectiveness rate of 98.5 percent, down slightly from the "customary" 100 percent established by the New Jersey State Police in prior reporting periods. Command staff in field operations continued to be committed to a supervisory review of all incidents involving a law enforcement procedure of interest to the decree. The agency has achieved that goal.

The monitors noted **only two** consent-decree related errors this reporting period that were not first caught and corrected (prior to the monitors identifying cases to be reviewed this period) by supervisory personnel. Field Operations personnel have been within the 95 percent compliance requirement for six reporting periods (36 months).

Performance of supervisory activities within field operations is also exceptional, reducing error rates for some of the most complex human interactions, e.g., consent searches, arrests, detentions, frisks and searches of persons and vehicles, to near zero. This is a truly remarkable figure considering the complexity of the law enforcement processes under scrutiny. Supervisory presence on the road has risen to new highs, with supervisors present in fully 61 percent of all reviewed motor vehicle stops. Again this reporting period, the monitors found all New Jersey State Police interactions reviewed by the monitors to be professionally conducted, and to be free of indicators of race- or ethnicity-based decision making.

During the fifteenth reporting period, with the consent of the monitors, the State began field testing a new supervisory review system, moving from a blanket "100 percent review" process for post-stop interactions. The monitors and the New Jersey State Police considered the 100 percent review standard to be impractical over extended time. The State, as a result of consultation with the monitors, is testing a more targeted review process. This process still requires a 100 percent review of all critical motor vehicle stops (stops with a consent search request, use of force or canine deployment), and will supplement that with a system of required "random" reviews and targeted reviews as dictated by events in the field, i.e., a surge in complaints about a give tactic or process, an inexplicable surge in trooper injuries, etc.

Field Operations continues to go well beyond the requirements of the consent decree, and is now fielding one of the most comprehensive, data-driven, and well documented supervisory systems in American law enforcement. The New

Jersey State Police have fielded supervisory and field operations systems that attain well more than that which was envisioned and required by the decree.

MAPPS Development

Full compliance has been continued regarding MAPPS information system *capabilities*. The system can be used to review trooper and supervisory performance, compare trooper performance to other members of the trooper's workgroup, and to compare performance across work groups. Work has been completed on establishment of appropriate benchmark processes for the MAPPS system, and three of the New Jersey State Police's five field operations troops have received written benchmarking and data analytic reports. Supporting SOPs and training for operation of MAPPS have been developed and approved by the monitors, and delivered to the field personnel using the system. MAPPS is currently being used in performance evaluations and positive disciplinary processes, such as verbal counselings, performance notices, and retraining. High-level risk analysis processes, using MAPPS data, were commenced during the thirteenth reporting period. The monitors reviewed the operational MAPPS database, and found it to contain active data from January 1, 2004.

Two issues arose this reporting period regarding MAPPS and the use of the MAPPS processes. The State has missed its deadline for providing the Troop D data report and for analyzing the Troop C *and* Troop D data via the Risk Assessment Core Group process. This misstep comes after two reporting periods of compliance, and is, the monitors believe, a function of increased workload which illustrates a very positive *evolution* of the data-centric and data-analytic nature of the New Jersey State Police at this point in time. It does, however, represent a breakdown in established compliance activities, albeit for understandable and documentable reasons.

The evolution of the New Jersey State Police's use of the MAPPS data system into a *proactive problem identification and problem solving system* emerged this reporting period. In effect, the New Jersey State Police have taken the MAPPS system *beyond* the requirements of the consent decree, using it for more than a tracking and control device for motor vehicle stops, use of force, and complaints, and instead using it to identify systemic organizational issues and to craft solutions to those issues before they negatively impact the organization in any significant way. In the past six months, using MAPPS-based tools, the leadership of the New Jersey State Police identified two issues of concern: a perceived increase in allegations of off-duty misconduct incidents among Division personnel and a significant increase in the number of consent search requests made by Division personnel.

Within six months of noting the potential impact of these two issues, the New Jersey State Police planned, developed and executed two separate data-centric and data-analytic problem solving actions designed to identify the nature and scope of the problems, assess their impact on the organization, and develop recommendations to *deal with* the issues in a real-time manner. Elements from the Office of Strategic Initiatives, MAPPS and the Risk Assessment Core Group were melded to deal with these two issues. Unfortunately, these two added workload elements uncovered several previously unrecognized faults in the current MAPPS-OSI-RACG structure.

These faults were found in the areas of workload, staffing, technology and information access. In effect, because the evolved MAPPS-OSI-RACG system *worked well*, it effectively overloaded itself, and as a result, the State missed two critical deadlines required by the decree, endangering long-term compliance with Tasks 50 and 51 (comparisons using benchmarks and long-term trend analysis).

The monitors noted in the fourteenth monitoring report that Task 50 and 51 functions were "important to long-term compliance." The monitors further noted that "delayed attainment of compliance" in these areas "did not diminish achievement of substantial compliance" with the decree. The record indicates that the State has significantly *delayed* compliance activities related to Tasks 50 and 51, albeit for understandable—and in some cases uncontrollable—reasons. The State is placed under warning for these tasks. Failure to come into full compliance by April 30, 2007 will result in a loss of compliance in these areas.

Inspections, Audit and Quality Control

Inspections and Audit personnel from Field Operations and the Office of State Police Affairs continue to review MVSR and MVR elements for conformance to the requirements of the consent decree. As noted above, the quality control process has yielded remarkable improvements for six consecutive periods. OSPA has been an important and integral part of the systems improvement process, and continues to offer an important tier of review of state police functions related to the consent decree.

Overall Compliance Status

The monitors' fifteenth report represents a monitoring project that started in March of 2000, and has consisted of fifteen on-site visits and thousands of hours of monitoring effort. With four exceptions, the State of New Jersey was in full compliance with all aspect of the consent decree during the eleventh reporting period. Those four exceptions (Tasks 50 MAPPS benchmarking, 51 MAPPS trend analysis, 93 training for executives and 106 evaluation of training efforts) were

classified by the monitors as *important* to long-term compliance, but not *critical* to the manner in which day-to-day operations of the New Jersey State Police complied to the consent decree. It is important to note that the State eventually attained compliance in these four areas.

Monitoring processes this reporting period have indicated that the State has missed its deadline for providing the Troop D data report and for analyzing the Troop C *and* Troop D data via the Risk Assessment Core Group process, both compliance issues for Task 50 *and* Task 51. While these problems are understandable, the monitors have placed the State under warning for these two tasks. Failure to complete Task 50 and Task 51 requirements by April 30, 2007 will result in a loss of compliance in these areas. Prior to the sixteenth site visit in May, 2007, the State must have completed the data reports for Troops D and E and must have completed the RACG process for Troops C, D and E.

Independent Monitors' Fifteenth Report
Period Ending September 30, 2006

1 Introduction

This document represents the fifteenth "Independent Monitors' Report" (IMR) assessing the levels of compliance of the State of New Jersey (the State) with the requirements of a consent decree (decree) entered into between the State and the United States Department of Justice on December 30, 1999. This document reflects the findings of the monitoring team regarding compliance monitoring for the period April 1, 2006 through September 30, 2006. Monitoring activities were accomplished during the months of October and December, 2006.

The report is organized into three sections, identified below:

- Introduction;
- Compliance Assessment; and
- Summary.

The methodology employed by the monitors in developing the report, definitions used by the monitors, key dates for the monitoring process, and operational definitions of "compliance" are described in Section One of the report. Section Two of the report, "Compliance Assessment," includes the findings of the monitoring process implemented by the monitors and specific examples of compliance and non-compliance observed during the monitoring process. Section Three of the report, "Summary," provides an overall assessment of the State's performance for this reporting period.

1.1 Overall Status Assessment

Two specific dates accrue to deliverables for the decree: the date of entry of the decree (December 30, 1999), which times deliverables of the State, and the date of appointments of the independent monitors (March 30, 2000), which times deliverables for the compliance monitoring process.

1.2 Format for Compliance Assessment

The IMR is organized to be congruent with the structure of the consent decree. It reports on the State's compliance using the individual requirements of the decree. For example, the first section, the compliance assessment, deals with the requirements, in paragraph 26 of the decree, relating to a specific prohibition against using "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" (Decree at para 26). The following

components of the decree are treated similarly. Compliance is classified as "Phase I," and "Phase II," with the definitions specified in Section 1.4, below.

1.3 Compliance Assessment Processes

1.3.1 Structure of the Task Assessment Process

Members of the monitoring team have collected data on-site and have been provided data, pursuant to specific requests, by the New Jersey State Police and the Office of State Police Affairs. All data collected were of one of two types. They were either collected by:

- Selection of a random or stratified random sample;
- Selection of all available records of that type.

Under no circumstances were the data selected by the monitoring team based on provision of records of preference by personnel from the New Jersey State Police or the Office of State Police Affairs. In every instance of selection of random samples, personnel or Office of State Police Affairs personnel were provided lists requesting specific data, or the samples were drawn directly by the monitors or by the monitoring team while on-site.

The monitoring team assessed the performance of the New Jersey State Police on each task outlined in the consent decree during the period ending September 30, 2006¹. The fifteenth independent monitors' report was submitted to the court during the month of January 2007.

All determinations of status for the New Jersey State Police are data based, and were formed by a review of the following types of documents:

- Official New Jersey State Police documents prepared in the normal course of business;² and/or
- Electronic documents prepared by the State or components of state government during the normal course of business.

1.3.2 Operational Definition of Compliance

¹ Motor vehicle stop activity was assessed through June 30, 2006, the last available date for complete electronic records for motor vehicle stops.

² For example, members of the monitoring team would not accept for review as documentation of compliance "special reports" prepared by state personnel describing their activities relating to a specific task. Instead, the monitoring team would review records created during the delivery or performance of that task.

For the purposes of this monitoring process, "compliance" consists of two components: Phase I compliance and Phase II compliance. Phase I compliance is viewed as the administrative piece of compliance. It entails the creation of policy, procedure, rule, regulation, directive or command to "comply" as required by the text of the decree. Phase II compliance deals with the implementation of a specific policy and requires that the policy must, by matter of evidence, be followed in day-to-day operations of the New Jersey State Police. It may entail the provision of training, supervision, audit, inspection, and discipline to achieve the implementation of a specific policy as designed. In commenting on the State's progress (or lack thereof) in achieving Phase II compliance for a specific task, the monitoring team may comment upon the efficacy of training, supervision, audit, inspection and discipline as applicable to that task.

Compliance levels for this monitoring process are reported both through a narrative description and a graphic description. The narrative describes the nature of the task requirement being assessed, a description of the methodology used to assess the task, and a statement of compliance status. It is critical to note, however, that a finding of non-compliance does not mean the State is engaging in inappropriate behavior. It simply means the State has not yet completed its efforts toward compliance. The graphic description depicts compliance status using a standard bar graph to indicate status in each compliance area. Each graphic consists of four segments, depicted below. The first segment depicts each reporting period (four quarterly reports for the first year and two reports for each following year). The second segment depicts the time allowed by the consent decree to complete the particular task. This time period is represented by the solid, dark blue bar . The third and fourth segments represent the time required to complete the task, and to achieve Phase I or Phase II compliance. A vertically patterned light blue bar  indicates that compliance was achieved in the time allotted. A diagonally patterned yellow bar  indicates that compliance was achieved at a later date than originally allocated in the decree, but that the delay, in the opinion of the monitors, does not seriously affect the State's eventual compliance with the decree. A horizontally patterned orange bar  indicates that compliance was achieved at a later date than originally allocated in the decree, and the delay *may* seriously affect the State's eventual compliance with the decree. A solid red bar  indicates expired time which is more than that allowed by the decree, and which, in the judgment of the monitors *does* seriously threaten the State's successful compliance with the decree. A task that was not, or could not be monitored is represented by a hollow bar .

1.3.3 Standards for "Compliance"

The parties have agreed to a quantitative standard for "compliance" to be used for assessing compliance for all critical, constitutionally relevant tasks stipulated by the decree which can be quantified. On tasks for which quantitative data can be collected, e.g., the number of Motor Vehicle Stop Reports (MVSRS) that conform to the

requirements of the decree, a standard of greater than 94 percent compliance is used. This means that at least 95 percent of the reports reviewed conformed to the requirements of the decree. This standard is widely used in social science, and is adapted by mutual agreement for this project. For tasks not directly related to constitutional issues, e.g., recording of specific motor vehicle stop events, the parties and the monitors have agreed to hold the state to a 90 percent standard. This change to compliance standards is discussed in more detail in section 2.3, below.

1.3.4 Compliance with a Hypothetical Task

<i>Task nn</i>	1	2	3	4	...	8	9	10	11	12	13	14
Phase I												
Phase II												

This graphic is a hypothetical depiction of a task in which the State has been assessed to be in Phase I compliance in the first reporting period, and in which Phase II compliance was attained in the twelfth reporting period, much later than required by the decree, and thus *did* seriously threaten the State's successful compliance with the decree.

1.4 Flow of the Monitoring Process

Compliance audits and monitoring processes typically consist of two phases. The first phase focuses on issues of "policy compliance:" the development of policies, rules, regulations and directives to comply. In many cases, the processes required of the agency are new enough to preclude an early evaluation of Phase II compliance processes designed to ensure day-to-day implementation of the requirements. The second phase, represented by this report and future reports, focuses on issues of operational compliance—institutionalizing change into the day-to-day operations of the agency.

1.5 Summary of Compliance Activities

During the last reporting period, the State has continued its compliance efforts at a sustained high level. These new compliance levels continue to be, in the monitors' opinions, directly attributable to a focused and clear leadership mandate, emanating from the Office of the Superintendent, placing compliance efforts among the top goals of the agency. Continued cooperation with, and support from the Office of State Police Affairs has focused the State's compliance efforts, with positive effects observed again this reporting period in training, supervision, MAPPS, and inspections and audit processes. Some compliance issues were noted this period that require the attention of

the agency if compliance is to be maintained. Each of these areas is discussed briefly below.

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Compliance levels continued to be maintained in training for the fifteenth reporting period. Executive training was addressed during the twelfth reporting period, and substantial improvement continues to be evidenced in these areas as well. Again, the monitors find the focus, attention to detail, commitment of resources and results achieved by the Academy during this period to be exceptional. They reflect a strong commitment to, and interest in, the training function by the Superintendent of the New Jersey State Police. The training academy achieved 100 percent compliance during the fourteenth reporting period, meeting the minimum requirements of the consent decree in all areas, and far exceeding the requirements in the areas of curriculum planning, staffing, and development. More than 100 percent compliance is evident in the training function this reporting period, as the State continues to exceed the requirements of the decree. A training oversight incident rose to the surface this period, leading to revisions to departmental SOPs related to training. The system, in effect, "worked," noting that unapproved training was offered to some road patrol troopers, and terminating the training until it is fully vetted by the Academy and approved for delivery to road troopers.

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These faults were found in the areas of workload, staffing, technology and information access. In effect, because the evolved MAPPS-OSI-RACG system *worked well*, it effectively overloaded itself, and as a result, the State missed two critical deadlines required by the decree, endangering long-term compliance with Tasks 50 and 51 (comparisons using benchmarks and long-term trend analysis).

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Inspections, Audit and Quality Control

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Overall Compliance Status

The monitors' fifteenth report represents a monitoring project that started in March of 2000, and has consisted of fifteen on-site visits and thousands of hours of monitoring effort. With four exceptions, the State of New Jersey was in full compliance with all aspect of the consent decree during the eleventh reporting period. Those four exceptions (Tasks 50 MAPPS benchmarking, 51 MAPPS trend analysis, 93 training for executives and 106 evaluation of training efforts) were classified by the monitors as *important* to long-term compliance, but not *critical* to the manner in which day-to-day operations of the New Jersey State Police complied to the consent decree. It is important to note that the State eventually attained compliance in these four areas.

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2 Assessment of Compliance

2.1 Methodology

The monitors assessed the State's compliance using practices agreed upon between the parties and the monitors. "Compliance" was assessed as Phase I or Phase II (see section 1.3.2, above).

The following sections of the fifteenth Monitors' Report contain a detailed assessment of the degree to which the State has complied with the tasks to which it agreed on December 30, 1999. The reporting period for this report deals with actions of the State to comply with the decree between April 1, 2006 through September 30, 2006.

2.2 Compliance with Task 26: Prohibition from Using Race-Ethnicity in Decision Making

Task 26	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 26 stipulates that:

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.

Methodology

During the fifteenth site visit, members of the monitoring team conducted structured on-site reviews of the operations of ten New Jersey State Police Road Stations. These reviews were conducted of operations reported during the dates February 1, 2006

through June 30, 2006, inclusive (the last month for which electronic data were available). The team conducted these reviews of Troops A and D. As part of this review, members of the monitoring team collected and or reviewed course-of-business data on 151 New Jersey State Police motor vehicle stop incidents. In addition, the team reviewed video recordings of 96 motor vehicle stop incidents involving law enforcement procedures stipulated in the decree. Supporting documentation was reviewed for each of the motor vehicle stops assessed by the monitoring team. The following paragraphs describe the monitoring team's methodology for data collection and analysis of the structured site visits. These descriptions apply to the assessment of compliance of various tasks required by the decree, and are critically important in the assessment of tasks 26 through 36.

Data Requests

Prior to its site visits in October and December 2006, the monitoring team requested of the State electronic and hard-copy data regarding State Police operations. These data requests included the following electronic-format data, in addition to other non-electronic data requests:

- Electronic data for all motor vehicle stop activity for the stations selected relating to an incident in which personnel engaged in one of the eight articulated post-stop law enforcement procedures of interest to the decree, i.e., request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force.
- Electronic data for all trooper-initiated motor vehicle stop "communications center call-ins" for the stations selected, including time of completion of the stop and results of the stop.
- The monitoring team also requested copies of documentation created for all consent search requests, canine deployments, and incidents involving use or force by New Jersey State Police personnel statewide, where such events took place in conjunction with a motor vehicle stop, as defined by the decree.

Based on these data requests, the monitoring team was provided with all motor vehicle stop records for Troops A and D (taken from the State's motor vehicle stop report entry system) referred to by the State as motor vehicle stop "event" records. Computer Assisted Dispatch System (CADS) records were also requested by the monitors for all motor vehicle stop activity for the selected stations for the active dates of the fifteenth site visit.

Data reviewed by the monitoring team for the fifteenth site visit included the types of incidents noted in Table One, below.

Table One: Incidents Reviewed by Monitoring Team
For Fifteenth Site Visit

Type of Activity	Report Reviews	Tape Reviews⁴
Selected MVS Incidents	151	96
MVS Involving Consent Search Requests	94	94
MVS Involving Canine Deployment	5	34
MVS Involving Use of Force	5	5
Probable Cause Searches of Vehicles	50	23
Probable Cause Searches of Persons	44	37

Motor Vehicle Stops

Based on the data provided by the State, the monitoring team selected specific law enforcement activities for further assessment and analysis. The methodology for selecting these law enforcement activities consisted of identifying all post-stop law enforcement procedures of interest to the decree, i.e., request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force, for each road station assessed. These events were identified using the CAD records provided by the State.

Incidents selected for review by the monitoring team were subjected to three types of assessment:

- Events that were reviewed using reported data, i.e., motor vehicle stops which resulted in post-stop activities of interest to the decree, and that were reviewed by comparing the electronic data to data included in motor vehicle stop reports

⁴ Tape reviews total more than 96 due to the fact that *all* tapes reviewed included more than a single class of law enforcement activity.

and supporting documents (patrol logs, summonses, consent to search reports etc.), referred to as Type I data;

- Events that were reviewed using both reported data **and** by reviewing recordings of the motor vehicle stop in question, referred to as Type II data; and
- Events that were reviewed simply by viewing video recordings events following a selected motor vehicle stop incident, using a procedure developed to ensure that all events, which should be reported by MVSR, are actually reported, referred to as Type III data.

These records indicated 11 events that resulted in consent search requests from the stations selected for review this reporting period, and 83 events from other stations resulting in consent search requests, for a total of 94 consent search requests.⁵ All incidents involving consent search requests were assessed by reviewing New Jersey State Police reports documenting the consent and execution of the search, and by reviewing the available video tape records for those consent requests. All consent searches conducted were subjected to both documentation and video recording review by the monitoring team.

Similarly, the New Jersey State Police deployed drug detection canine units 34 times during the reporting period. The monitoring team reviewed reports from all 34 of these events, and the monitoring team also reviewed videos from all 34 of those events. New Jersey State Police personnel in five motor vehicle stop incidents reportedly used force during the reporting period, and the monitoring team reviewed reports from all of these incidents. Members of the monitoring team reviewed video tapes of all five of the use of force events during the fifteenth site visit. The reader should note that members of the monitoring team reviewed all Motor Vehicle Stop Reports and associated documentation (patrol charts, citations, arrest reports, DUI reports, etc.) for the following New Jersey State Police activities:

- All known consent search requests;
- All known uses of force; and
- All known deployments of canine units.

Selected motor vehicle stop incidents and procedures were subjected to one (or more) of three types of reviews performed by the monitoring team. The types of reviews used by the monitoring team are described below, and a summation of the types of review performed by station, are depicted in Table Two, below.

Type I Event Reviews

⁵ Drivers declined fifteen consent requests during the reporting period.

A Type I event review consisted of reviewing all available hard-copy and electronic documentation of an event. For example, an event review could consist of reviewing the motor vehicle stop report, associated records in the patrol log, a supporting consent to search report, and associated summonses or arrest records. Each post-stop event consisting of law enforcement procedure of interest to the decree, i.e., request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force was subjected to a structured analysis using a form developed by the monitoring team. Problems with the reporting process were noted and tallied using this form. These data were shared with the New Jersey State Police, and clarifications were requested and received in instances in which there was doubt about the status of an event or supporting documentation. A total of 151 Type I reviews were conducted this period.

Table Two: Distribution of Monitoring Events

Station	Type I Reviews	Type II Reviews	Type III Reviews
(A40)	0	4	0
(A60)	3	3	0
(A90)	4	1	0
(A100)	0	9	0
(A140)	0	1	0
(A160)	2	1	0
(A310)	1	2	0
(D10)	11	8	0
(D20)	7	23	0
(D30)	6	4	0
Other	21	40	0
Total	55	96⁶	0

Type II Event Review

A Type II event review consisted of reviewing the associated video tape for a given motor vehicle stop event, and comparing the actions noted on the tape with the elements reported in the official documents related to the event. These data were

⁶ The monitors reviewed 96 tapes of motor vehicle stops; however, these 96 tapes included 193 post-stop actions of interest to the decree. The 94 consent requests reviewed also included 24 canine deployments.

collected using a form developed by the monitoring team. These data were shared with the New Jersey State Police, and clarifications were requested and received in instances in which there was doubt about the status of an event or supporting documentation. A total of 96 Type II reviews were conducted this period.

Type III Event Review

In order to provide a probability that the monitors would note any events, which **should** have been reported, based on the requirements of the decree, but were not reported as required, the monitoring team in the past had developed a protocol that sampled events after a selected event at a road station. For example, if a motor vehicle stop incident, which occurred at 3am, were selected for review, seven events recorded occurring immediately after that were also eligible for review. All events selected for a Type III (video-based) review in the past, had been subjected to a structured review using a form developed by the monitoring team. Based on the State's past performance, eleven consecutive periods in which no unreported events were discovered, no Type III reviews were conducted this reporting period.

Status

The monitoring team's review of New Jersey State Police SOPs indicates that the agency remains in Phase I and Phase II compliance with Task 26. The monitors continue to review State Police activity for processes that indicate that relatively minor infractions serve as the only precursory violation resulting in requests for consent searches, requests to exit the vehicle, frisks, or other law enforcement procedures. In past reports, the vast majority of all searches of persons and vehicles conducted by members of the State Police were "non-discretionary," e.g., searches incidental to arrest, with searches of vehicles being conducted "incidental to arrest." Based on revised New Jersey case law⁷, effective this reporting period, the search of a vehicle can no longer be conducted incidental to arrest, leading to a substantial change in the nature of searches of vehicles for this reporting period. As a result, "consent request" now replaces "incidental to arrest" as the number one reason for a search of a vehicle, with 65.8 percent of all searches of vehicles based on a request for consent to search. Of the 100 searches of persons reviewed this reporting period, 66 were "non-discretionary" searches incidental to arrest. Two activities this reporting period were conducted frequently enough to lend themselves to statistical analysis for indications of race- or ethnicity based decision making on the part of the New Jersey State Police: consent requests (n=94) and canine deployments (n=34).

Perhaps in response to the loss of the tool for searches of vehicles incidental arrest, the monitors have observed a substantial increase in the number of consent request

⁷ State v. Eckel, 185 N.J. 523 (2006).

activities engaged in by the New Jersey State Police. Table Three, below, depicts consent request activity for the last seven reporting periods.

Table Three: Consent Requests for Past Seven Reporting Periods

Reporting Period	Consent Requests	% Increase/ Decrease
9 th	9	--
10 th	7	(22.2)
11 th	12	71.4
12 th	34	64.7
13 th	23	(26.5)
14 th	30	30.4
15 th	94	213.3

The monitors continue to see a professional quality and tenor of the “average” traffic stop observed by the monitoring team during the past seven reporting periods. The monitors have noted no indications of racial profiling in the data reviewed this reporting period. While the data in Table Four indicate higher consent request rates for blacks and Hispanics (by a factor of as much as .53) these data are not statistically significant at the 0.05 level, indicating that the differences may be attributable to chance.⁸ Similarly, deployments of canines were also indicated at a higher rate for blacks and Hispanics (by a factor of as much as 4.3); however, these data are not statistically significant at the 0.05 level, indicating that the differences may be attributable to chance.^{9,10} These activities, for the first time, recorded sufficient numbers of incidents this reporting period to be statistically meaningful.

Compliance

Phase I: In Compliance
Phase II: In Compliance

⁸ *Chi-Square* analysis of these data yielded a *chi-square* of 6.98 with three degrees of freedom, $p > 0.05$. The distribution was not statistically significant at the 0.05 level.

⁹ *Chi-Square* analysis of these data yielded a *chi-square* of 7.58 with three degrees of freedom, $p > 0.05$. The distribution was not statistically significant at the 0.05 level.

¹⁰ See pages 25-26, Table Six for a discussion of canine deployment rates by race.

2.3 Compliance with Task 27: Monitor and Evaluate Implementation of the Motor Vehicle Stop Criteria

Task 27	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 27 stipulates that:

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.

Methodology

Compliance with this task was assessed using the Motor Vehicle Stop Report and video review outlined in section 2.2 above. The monitors have continued to note improvements in the quality, frequency, and tone of supervisory review during the fifteenth monitoring period. Supervisory reviews of motor vehicle stops resulting in a law enforcement procedures were effected in 129 of 151 motor vehicle stops selected by the monitors this period, constituting a supervisory review rate of 85.4 percent.¹¹ More importantly, the New Jersey State Police have continued to implement a much different type of supervisory review process, attempting to meet the goal of having first-line (station-level) supervisors review *a//* motor vehicle stops which result in a law enforcement procedure (vehicle exit, frisk, arrest, search, canine deployment, consent request, or use of force). The majority of the supervisory reviews conducted in the ninth reporting period were conducted by secondary supervisory sources—quality assurance reviews, OSPA reviews or other non-station sources. Station-level

¹¹ 85 percent MVSRS reviewed by the monitoring team had been reviewed by either first line supervisors or subjected to "management review." The majority had received both.

supervisors conducted the vast majority of initial reviews conducted during the tenth through fifteenth reporting periods.

Members of the monitoring team have noted that field supervisors were present in 60.9 percent of monitored activity this reporting period. This constitutes the highest level of in-field supervision noted since the inception of the consent decree, seven years ago. First- and second-line supervisors in 84.5 percent of all incidents reviewed by the monitors this period reviewed video tapes.¹² This supervisory review rate yielded 36 instances in which New Jersey State Police personnel committed errors related to the consent decree. In reviewing the same documents and video tapes, the monitors noted 36 errors in procedure related to the consent decree. New Jersey State Police supervisory personnel noted 34 of these violations of New Jersey State Police SOPs and counseled, retrained or otherwise responded to those violations, prior to being notified by the monitoring team of the motor vehicle stops that would be reviewed this period.¹³ The two remaining errors involved:

1. Failure to note lack of reasonable articulable suspicion to warrant consent request, i.e., "conflicting statements" re itinerary;¹⁴ and
2. Failure to document and explain an "extemporaneous" frisk of a driver for no apparent articulable suspicion.

In addition, the monitors noted that *all but one* of the 34 errors this reporting period were procedural in nature, i.e., related to reporting issues or minor policy violations, as opposed to Constitutional violations or errors. Unlike past periods, it appears that the *majority* of supervisory interventions are being conducted by first-line supervisors, as opposed to secondary sources.

It is clear that the New Jersey State Police have engaged supervisory personnel in their attempts to ensure compliance with the decree. As a result of this newly implemented supervisory process, the New Jersey State Police have noted and corrected 34 decree-related errors that the monitoring team would have noted after the fact. With the current supervisory system, these 34 decree-related errors were noted and corrected in "real time," before the monitors called them to the attention of the State. The supervisory system did, however, fail to note and correct two errors that should have

¹² These reviews are now conducted routinely, although the State has implemented a new pilot program testing the efficacy of moving to a more focused and less universal method of stop review. One of the errors noted this reporting period, the second error noted above, was made as a result of this new pilot program. All reviews conducted were conducted *before* the monitors notified the State of which MVS incidents would be selected for by the monitors.

¹³ The failure to document and explain the frisk was not an incident subjected to supervisory review by New Jersey State Police personnel. It was noted as part of the monitors' review.

¹⁴ This event occurred as part of a directed stop related to a dismounted post toll evasion detail.

been caught by supervisory review.¹⁵ See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

A review of the policies developed, the training provided to date and the implemented MAPPS process indicates that the agency is compliance with the requirements of this task. The State continues to review, independently of the monitors, Motor Vehicle Stop Reports (MVSRS) submitted by Division personnel, and continues to note deficiencies in operationalization of the training provided. Retraining to address these deficiencies has been delivered. Two incidents, from among the 151 reviewed, included an operational error not caught and remedied by field supervisors prior to the monitoring team selecting cases for review this reporting period.

This constitutes an error rate of two of 151 motor vehicle stop incidents, or 1.3 percent, within the allowable margin of error of five percent. Compliance for this task is defined as "greater than 94 percent.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.4 Compliance with Task 28: Request for Consent to Search only upon Reasonable Suspicion

Task 28	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 28 stipulates:

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

¹⁵ One of these errors was noted by the monitors in a motor vehicle stop that had not first been reviewed by supervisory personnel, as it occurred at one of three road stations that had been selected for a test program that allowed less than a 100 percent review of all motor vehicle stops with post-stop interactions of interest to the decree.

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).

Methodology

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

The monitoring team reviewed a total of 94 law enforcement actions involving consent requests conducted during the fifteenth report's operational dates. Fifteen of these involved consent search requests that were declined. A description of consent request events, by race of driver, is presented in Table Four below. Tables Four through Seven depict data from the 151 incidents reviewed this reporting period by the monitoring team. "Number of Drivers" depicts the number of drivers, by race, in the 151 incidents. The number in parentheses in this column depicts the *percentage* of drivers in the total sample, by race. Thus, for Tables Four through Seven, there were 38 white drivers of the total of 151 drivers involved in motor vehicle stops reviewed by the monitoring team this period, constituting 25 percent of all drivers in the sample. The next column, "Number" depicts the number of law enforcement procedures observed in the motor vehicle stops reviewed. For example, Table Four depicts 17 consent requests of white drivers, 48 requests of black drivers, 25 requests of Hispanic drivers, and four requests of drivers of "other" race/ethnicity. The last column, "Percent" depicts the percent of drivers of a given race or ethnicity, who were subjected to a given law enforcement procedures. This column will not total to 100 percent. The reviews depicted in this table constituted documentation and/or video tape reviews.

The reader should note that the State has increased substantially the number of consent search requests, to an all-time high of 94 this reporting period. With 94 requests this

period, the numbers reported in Table Three become statistically meaningful when reported *viz a viz* race and ethnicity.

All but four of the 94 consent searches were completed in conformance with the requirements of the consent decree.¹⁶ These requests were made absent reasonable articulable suspicion; however, supervisors caught and corrected three of these.

An error rate of one of 94 consent searches constitutes 1.1 percent, falling within the >94 percent compliance rate agreed to by the parties as the standard for critical tasks outlined by the consent decree.

Table Four—Consent Request Activity

Race/Ethnicity	Number of Drivers	Number of Requests for Search¹⁷	Percent Consent Request by Race/Ethnicity
White	38(25.2)	17	44.7
Black	70(46.4)	48	68.6
Hispanic	39(25.8)	25	64.1
Other	4(2.7)	4	100
Total	151(100)	94	62.3

While the data in Table Four indicate higher consent request rates for blacks and Hispanics (by a factor of as much as .53) these data are not statistically significant at the 0.05 level, indicating that the differences may be attributable to chance.¹⁸

The monitors noted several significant changes in the consent request processes of the New Jersey State Police this reporting period. The *number and tenor* of consent requests changed markedly this period, and the rate of consent requests jumped more than 200 percent this period (see Table Three, page 15). In addition, the monitors observed several other issues that raised concern about consent request practices at the New Jersey State Police this reporting period. Many of these issues *may be* the direct result of two new training programs, designed for commercial vehicle inspection personnel that were also attended by regular troopers in Troops B and D. The federal Department of Transportation and Department of Homeland Security presented to State Police personnel two drug interdiction programs designed for commercial vehicle inspection personnel: The Drug Interdiction Awareness Program (DIAP) and Operation Desert Snow. While the vast majority of consent request processes engaged in by

¹⁶ Fifteen drivers refused consent requests.

¹⁷ Fifteen consent search requests were refused.

¹⁸ *Chi-Square* analysis of these data yielded a *chi-square* of 6.98 with three degrees of freedom, $p > 0.05$. The distribution was not statistically significant.

members of the New Jersey State Police this reporting period met the requirements of the decree and existing policy, the monitors are concerned by several issues relating to the consent request incidents observed this reporting period.

The issues noted this reporting period included:

- The reappearance of "boilerplate" language in troopers' stop report narratives;
- An apparent marked *increase* in the length of time for consent request stops;
- A reappearance of aggressive and protracted questioning of drivers regarding itinerary, relationships among drivers and passengers, and other issues not related directly to the reason for the stop;
- Reliance on intangible indicators to support requests for consent searches; and
- Lengthy questioning of drivers stopped for other than moving violations.

Each of these issues is discussed in more detail below.

Boilerplate

The monitors have identified "Boilerplate" language in police reports as a potential indicator for imprecise application of law enforcement procedures. Boilerplate language *can* indicate intent to support a pre-determined law enforcement action, such as a request for consent to search a vehicle. During this reporting period, the monitors observed a marked increase in the use of such language, usually related to "nervousness," "failure to make eye contact," "pacing," "mumbled answers," etc. In itself, use of boilerplate language in police reports is of concern to the monitors, but when coupled with an increase in the length of time for consent request stops, it *can be* indicative of troopers simply working to get the outcome they desire rather than letting the facts dictate the actions they need to take.

Increased Times of Stops

The monitors noticed a marked increase in the length of time it takes troopers to make stops in which consent requests are made. Based on a review of 94 video tapes, it appears that the *reason* for the increase is a renewed focus on building reasonable articulable suspicion to support consent search requests. The average length of time for a motor vehicle stop resulting in a consent request was more than 101 minutes. It is apparent from the monitors' review of video tapes that many consent request stops were simply protracted until troopers could finally obtain reasonable articulable suspicion to make the consent request.

Protracted Questioning

A total of 13 consent requests were made for non-moving violations this reporting period. Of those 13, eleven resulted in consent requests for intangible reasons, i.e., "reasonable articulable suspicion" developed based on nervousness, irritability, rapid pulse rates, pacing, or other intangible indicators not apparently directly related to criminal activity. Consent requests that resulted in protracted questioning leading to requests based on intangible factors accounted for eight of the ten longest consent request-related stops identified this period, including the longest stop of 243 minutes, which entailed the off-loading of a tractor-trailer.

Intangible Factors Leading to Consent Requests

Troopers were observed to make consent to search requests for three types of reasons: intangible, tangible and probative. Intangible factors included the following:

- Rigid seating position;
- Failure to make eye contact;
- Mumbling;
- Pacing;
- Crossed arms;
- Nervousness;
- Annoyance for being stopped; and
- Rapid pulse rate.

Tangible reasons included:

- Presence of multiple air fresheners in the vehicle;
- Alteration to original equipment standards (removed door panels, center consoles, etc.);
- Conflicting statements by drivers and passengers;
- Hidden compartments; and
- Possession of large sums of cash.

Probative reasons included:

- Odor of burnt or raw marijuana;
- Known criminal histories for drug-related or firearms crimes;
- Ejection of suspected contraband from the vehicle; and
- Previous drug seizures related to the stopped vehicle.

Fully 44 percent of consent requests were justified by intangible reasons. Eight of the ten longest stop times were observed as troopers worked to find sufficient intangible

evidence to justify consent requests. Many of these consent requests based on intangible evidence were also characterized by aggressive and protracted questioning of the drivers and passengers. Black drivers tended to have their consent requests supported more often by probative factors, while whites and Hispanics tended to have consent requests made of them more often for intangible factors.

Table Five, below, depicts an analysis of consent search requests by type of violation and reason for the request. The table indicates virtually *no difference* between moving and non-moving violations, reason for stop, and the *nature* of the evidence supporting the request for a consent search.

Table Five: Consent Search Requests by Type of Violation
and Reason for Request

Reason for Stop	Reason for Request		
	Intangible	Tangible	Probative
Moving	3(42%)	1(16%)	3(32%)
Non-Moving	4(44%)	1(12%)	4(44%)
	7(44%)	2(12%)	7(44%)

Lengthy Questioning of Drivers for Other than Non-Moving Violations

More than 30 percent of the drivers subjected to extended questioning about itinerary, relationships with passengers, luggage, etc., had been stopped for what the monitors consider to be *discretionary* moving infractions (improper lane change, failure to keep right, etc.)¹⁹ or non-moving violations. Nearly 58 percent of requests supported by intangible reasons were for non-moving violations or what the monitors perceive to be *discretionary* moving violations.

New Jersey State Police Action Related to Consent Searches

The reader should note that, based on the record available, the New Jersey State Police noted the increased numbers of consent requests this reporting period *prior to the issue being brought to their attention by members of the monitoring team*. The record indicates that in late August, New Jersey State Police issued a mandate to the MAPPS unit to conduct an analysis of consent searches for the 2006 year-to-date. (The

¹⁹ The monitors have repeatedly had conversations concerning the issue of "minor" moving violations as a source of potentially questionable post-stop interactions. The State Police contend that "any" violation is substantial; however, based on the monitors' experiences, actions executed as a result of stops for minor moving violations are of particular concern to the monitors.

monitors' site visit was conducted during the first week of October). This report noted the unusual increase in the number of consent requests, linked it potentially to the loss of the capacity to search vehicles incidental to arrest, and to training offered in drug interdiction (the same training noted above by the monitors), and developed one specific recommended action in response to the issues noted. This recommended action was for feedback to the training bureau for modification of 2006 in-service training. *After* the monitors' site visit, based on conversations with the monitoring team, the State initiated two additional recommendations designed to address issues with consent searches, and, in addition, met with *all* New Jersey State Police members who had received the DIAP and Desert Snow training and reaffirmed existing policies and operations guidance.

One of the two stops that resulted in supervisory errors this reporting period was related to consent requests. Errors regarding articulable suspicion constituted 1.1 percent of all consent search requests, within the allowable error rate.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.5 Compliance with Task 29a: Recording Requirements for Motor Vehicle Stops

Task 29a	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 29a stipulates that:

29. Motor Vehicle Stop Data

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.

Methodology

See section 2.2 above for a description of the methodology used to assess the State's compliance with this task.

Status

The review of State Police policies, forms, training, data entry systems, and CADS processes indicates that the New Jersey State Police are in Phase I compliance with the requirements of Task 29a. Effective policies and forms requiring compliance with the reporting requirements of the task have been written, disseminated and implemented into the State Police training process.

Use of the Motor Vehicle Stop Report was monitored for 151 incidents involving a post-stop law enforcement activity of interest to the decree. Use of force, non-consensual searches and deployment of canines received special attention from the monitoring team. The results of these reviews are depicted in Tables Six, Seven, and Eight, below.

Use of Force

New Jersey State Police personnel reported using force five times during the reporting period. The use of force rate for white drivers in the sample was 10.5 percent. For black drivers in the sample, the use of force rate was 1.4 percent, and for Hispanic drivers in the sample, zero percent. Members of the monitoring team reviewed reports of all use of force by personnel from the New Jersey State Police. All of the reports were included as part of the MVSR reporting process. Members of the monitoring team found no problems with the reporting process.²⁰ None of the use of force practices were found to be problematic.

Tables Six through Eight depict data from the 151 incidents reviewed this reporting period by the monitoring team. "Number of Drivers" depicts the number of drivers, by race, in the 151 incidents. The number in parentheses in this column depicts the *percentage* of drivers in the total sample, by race. Thus, for Tables Six through Eight, there were 38 white drivers of the total of 151 drivers involved in motor vehicle stops reviewed by the monitoring team this period, constituting 25.2 percent of all drivers in the sample. The next column, "Number" depicts the number of law enforcement procedures observed in the motor vehicle stops reviewed. For example, Table Six depicts four incidents of use of force against white drivers (or occupants), one incident of use of force against black drivers (or occupants), no incident of use of force against Hispanic drivers, and no uses of force against drivers of "other" race/ethnicity. The last column, "Percent" depicts the percent of drivers of a given race or ethnicity which were subjected to a given law enforcement procedure. This column will not total to 100 percent. The reviews depicted in this table constituted documentation and/or video tape reviews. These numbers are so small as to be statistically insignificant.

²⁰ Members of the monitoring team assessed use of force reports and incidents for reasonable application of force and compliance with elements 17 and 17a of this requirement of the decree.

Table Six: Use of Force Activity

Race/Ethnicity of Drivers	Number of Drivers	Incidents of Use of Force	Percent by Race/Ethnicity
White	38(25.2)	4	10.5
Black	70(46.4)	1	1.4
Hispanic	39(25.8)	0	--
Other	4(2.7)	0	--
Total	151(100)	5	--

Canine Deployments

The New Jersey State Police deployed drug detection canine units 34 times during the reporting period. Members of the monitoring team reviewed all available documentation for each canine deployment, and reviewed video tapes of all canine deployments. No reporting problems were noted in any of the 34 deployments, and the video taped incidents reviewed indicated that the written reports accurately reflected actual events. All canine deployments were professionally executed and were executed for legitimate cause.

Table Seven depicts data from the 151 incidents reviewed this reporting period by the monitoring team. "Number of Drivers" depicts the number of drivers, by race, in the 151 incidents. The number in parentheses in this column depicts the *percentage* of drivers in the total sample, by race. Thus, for Tables Six through Eight, there were 38 white drivers of the total of 151 drivers involved in motor vehicle stops reviewed by the monitoring team this period, constituting 25.2 percent of all drivers in the sample. The next column, "Number" depicts the number of law enforcement procedures observed in the motor vehicle stops reviewed. For example, Table Seven depicts four canine deployment for white drivers, 21 canine deployments for black drivers, seven canine deployment for Hispanic drivers, and two canine deployments for drivers of "other" race/ethnicity. The last column, "Percent" depicts the percent of drivers of a given race or ethnicity which were subjected to a given law enforcement procedure. This column will not total to 100 percent. The reviews depicted in this table constituted documentation and/or video tape reviews.

While the data in Table Seven indicate higher canine "deployment rates" for blacks and Hispanics (by a factor of as much as 4.3) these data are not statistically significant at the 0.05 level, indicating that the differences may be attributable to chance.²¹

²¹ *Chi-Square* analysis of these data yielded a *chi-square* of 7.58 with three degrees of freedom, $p > 0.05$. The distribution was not statistically significant.

Table Seven: Canine Deployments

Race/Ethnicity of Drivers	Number of Drivers	Canine Deployments	Percent by Race/Ethnicity
White	38(25.2)	4	2.6
Black	70(46.4)	21	13.9
Hispanic	39(25.8)	7	4.6
Other	4(2.7)	2	50.0
	151(100)	34	--

Non-Consensual Searches

Table Eight depicts the results, by race/ethnicity and type of non-consensual vehicle search for the sample of 151 incidents reviewed by the monitoring team this reporting period. Table Eight depicts the types of non-consensual searches, by race/ethnicity of the 125 incidents involving a non-consensual vehicle search. For example, 15 white drivers' vehicles were subjected to non-consensual searches during this reporting period, with no white drivers' vehicles searched incidental to arrest, 15 subjected to probable cause searches, etc. Numbers in parentheses reflect the percentage of type of search, by race. For example, the 15 probable cause searches constitute 100 percent of all searches of white drivers vehicles. The reviews depicted in this table constituted documentation and/or video tape reviews.

Of the 53 MVSRs reviewed which entailed non-consensual searches of vehicles, members of the monitoring team found no problems that were not first caught and remedied by New Jersey State Police supervisory personnel.

Table Eight: Reasons for Non-Consensual Searches of Drivers' Vehicles, By Race of Driver

Reason for Search	White #(%)	Black #(%)	Hispanic #(%)	Other #(%)
Incidental to Arrest	0	0	0	0
Probable Cause	15(100)	24(93.3)	11(100)	0
Plain View	0	3(4.7)	0	0
Proof of Ownership	0	0	0	0
Total	15	27	11	0

Table Nine depicts non-consensual search-of-person activity by race, for probable cause searches and plain view.

Table Nine: Probable Cause Searches, by Race/Ethnicity

Race/Ethnicity of Drivers	Number of Drivers	Probable Cause Searches	Percent by Race/Ethnicity
White	38(25.2)	15	39.5
Black	70(46.4)	24	34.3
Hispanic	39(25.8)	11	28.2
Other	4(2.7)	0	--
	151(100)	50	--

In all, members of the monitoring team noted 36 separate incidents in which constitutional, procedural, reporting, or review issues were evident (see section 2.3, above, for a complete listing of these motor vehicle stop incidents). A total of 34 of these problematic incidents were noted and corrected by retraining or other form of intervention prior to the monitor's noting the behavior. In addition, the monitors noted that *all but two* of the 36 errors this reporting period were procedural in nature, i.e., related to reporting issues or minor policy violations, as opposed to Constitutional violations or errors. An error of two from among 151 yields an error rate of 1.3 percent, within the allowable margin of error of five percent agreed to by the parties. The State continues in compliance with this task this reporting period.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.5.1 Compliance with Task 29b: Expeditious Implementation of Motor Vehicle Stop Criteria

Task 29b	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 29b stipulates that:

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.

Methodology

See Section 2.2, above for a discussion of the methodology for assessing compliance with this task.

Status

The review of State Police policies, forms, training, records systems, data entry systems, and CADS processes indicates that the New Jersey State Police are in Phase I compliance with the requirements of Task 30. Effective policies and forms requiring compliance with the reporting requirements of the task have been written, disseminated and implemented into the training process. Development of training for supervisors in the process of scrutinizing motor vehicle stop reports and associated documentation, and systems to facilitate that review have been completed.

The electronic CADS records reviewed by the monitors all included the names of individuals subjected to post-stop law enforcement procedures of interest to the decree, i.e., request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force. All of these records included the race of the individual subjected to a post-stop law enforcement procedure of interest to the decree. All of the records included a CADS incident number. In addition, all had the date of the stop, time of the stop, time the stop cleared, and reason for the stop. All records included the gender and race of the individuals occupying the vehicle, whether a summons or warning was issued (and the category of the violation), and the reason for the motor vehicle stop.

The data analyzed for this reporting period included only those data generated by the electronic reporting process. Accuracy rates for these data, overall, exceeded 99 percent, well within the acceptable margin for error for this task. The earliest available electronic data in the State's database, provided to the monitors, was September 2, 2000. In the opinion of the monitors, this qualifies as "expeditious" implementation.

Compliance

Phase I:	In Compliance
Phase II:	In Compliance

2.5.2 Compliance with Task 29c: Forms to Support Execution of Tasks 31, 32 and 33

Task 29c	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 29c stipulates that:

c. The State shall prepare or revise such forms, reports, and logs as may be required to implement this paragraph and ¶¶ 31, 32, and 33 (and any related forms, reports, and logs, including arrest reports) to eliminate duplication and reduce paperwork.

Methodology

The State continues to revise forms and policies related to this task, and to provide multiple levels of review and quality control practices related to tasks 31-33.

Status

Forms to support execution of tasks 31-33 have been developed and disseminated. The State has finalized automated data entry at road stations. Conformance to the policies supporting these forms is improving. The forms have been developed and disseminated and are being used by agency personnel, and appear to have improved substantially the level of reporting and compliance with stipulated procedures.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.5.3 Compliance with Task 29e: Approval of Revisions to Protocols, Forms, Reports and Logs

Task 29e	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 29e stipulates that:

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.

Methodology

Members of the monitoring team have reviewed and approved all protocols and forms provided by the State, and have been notified in advance of planned changes to those protocols and forms. All changes to protocols and forms have also been approved by the United States.

Status

Implementation of revisions to protocols and/or forms has been held by the State, pending the approval of the monitors and the United States. No issues were noted relevant to this task for this reporting period.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.6 Compliance with Task 30: Communications Center Call-Ins

Task 30	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 30 stipulates that:

30. Communication Center Call-In's for Motor Vehicle Stops. The primary purpose of the communications center is to monitor officer safety. 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.

Methodology

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task. Compliance with these tasks has been measured under a revised standard for several reporting periods, based on an agreement of the parties and the monitors. The compliance standard for data reporting and recording of traffic stop processes was established at 90 percent.

Status

New Jersey State Police SOPs relating to the call-in of motor vehicle stops meet the requirements of the consent decree. In addition, training regarding motor vehicle stops is reasonably designed to affect the necessary behavior on the part of troopers conducting traffic stops. The recent revisions to New Jersey State Police SOPs noted above have formed the backbone for supervisory review and control of these processes, and when fully implemented, should further improve agency performance in these areas.

For the past eleven reporting periods, the State has been in compliance with this requirement, based on the monitors' review of electronic CAD data. In addition, 96²² video recordings and documentation from 151 vehicle stops were reviewed this quarter, as were supporting documents, such as CAD abstracts, etc. Compliance with this task was assessed using both the electronic, video, and paper documentation. All data required by paragraphs 29 a, are recorded within the CADS records for vehicle stops, or within associated MVSRs.

Of the 151 incidents reviewed by the monitors, none included an error in call-in or documentation of a motor vehicle stop. An error rate of zero incidents of 151 constitutes zero percent, within the newly established parameter of >90 percent, and interestingly, within the original requirement of 95 percent.

Compliance

Phase I:	In Compliance
Phase II:	In Compliance

²² Some video taped incidents included more than one post-stop activity of interest to the decree. For example, 24 of the 94 consent requests also included a canine deployment.

2.6.1 Compliance with Task 30a: Notice of Call-In at Beginning of Stop

Task 30a	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 30a stipulates that:

a. 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.

Methodology

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

Members of the monitoring team also reviewed 151 video tapes of motor vehicle stops to assess the time of the call in. Data indicate that 100 percent of all stops were assigned an incident number; 100 percent list the driver's race and gender; 99.9 percent list a reason for the stop and a final disposition. The State is in compliance with this task

Phase I: In Compliance
Phase II: In Compliance

2.6.2 Compliance with Task 30b: Notice Prior to Search

Task 30b	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 30b stipulates that:

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.

Methodology

See Section 2.2, above, for a description of the methodology used to assess compliance with this task.

Status

The parties and the monitors have agreed that this section (regarding notice prior to search of a vehicle) applies only to probable cause and consent searches, since state police policy *requires* a search of all vehicles incidental to the effecting of an arrest.²³ Of the 50 probable cause search events and 79 consent searches reported (and reviewed by video tape), all but two were called in to New Jersey State Police communications prior to the initiation of the search. Supervisory personnel noted and corrected one of these. This constitutes an error rate of less than one percent, within the >94 percent established as the criterion for this task.

Compliance

Phase I: In Compliance
Phase II: In Compliance

²³ New Jersey case law (*State v. Eckel*, 185 N.J. 523 (2006)) has changed the requirements and practices of "search incidental to arrest" of a motor vehicle. New Jersey State Police policy now precludes searches of vehicles incidental to arrest.

2.6.3 Compliance with Task 30c: Call-Ins Upon Completion of Stop

Task 30c	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 30c stipulates that:

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 paragraph 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.

Methodology

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

New Jersey State Police SOPs relating to the call-in of motor vehicle stops meet the requirements of the consent decree. In addition, training regarding motor vehicle stops is reasonably designed to affect the necessary behavior on the part of troopers conducting traffic stops. Of the 96 stops reviewed by video tape, all were found to have clearance codes. Of the 151 stops reviewed by document review, these call-ins were present in the CAD abstract, indicating that they had been made by the trooper and contemporaneously recorded. The State is in compliance with this task.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.6.4 Compliance with Task 30d: CADS Incident Number Notification

Task 30d	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 30d stipulates that:

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.

Methodology

New Jersey State Police SOPs relating to the call-in of motor vehicle stops meet the requirements of the consent decree. In addition, training regarding motor vehicle stops is reasonably designed to affect the necessary behavior on the part of troopers conducting traffic stops.

Computer Assisted Dispatch (CADS) were also requested by the monitors for all motor vehicle stop activity for the selected stations. A sample of CAD records was reviewed electronically, and >99 percent were found to have "CAD Incident Numbers" indicating a CAD incident number. Of the 151 stops reviewed by the monitoring team this reporting period, CAD numbers were present in documentation for all video tapes reviewed, and in 100 percent of all hard copy documents reviewed by the monitoring team that required a CAD number.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.7 Compliance with Task 31: Reporting Consent to Search Requests

Task 31	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 31 stipulates that:

31. Consent Searches of Motor Vehicles. 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.

Methodology

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

A MVSR form was completed accurately in all 94 motor vehicle stop reports that included a consent search request this reporting period. Fifteen of the incidents involved consent requests that were denied. All but three of the 94 consent requests were appropriately recorded and executed. Two of these errors were caught and corrected upon supervisory review. One was not corrected by supervisory review. This constitutes a 97.7 percent compliance rate. In addition, the information required to be presented to the driver was so presented in all but one case. Supervisors caught and corrected this error.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.7.1 Compliance with Tasks 31a-c: Recording Consent to Search Requests

Task 31a-c	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Tasks 31a-c stipulate that:

a. The State Police shall require that all "consent to search" forms include the following information :

- 1. the date and location of the stop;**
- 2. the name and identification number of the trooper making the request for consent to search;**
- 3. 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;**
- 4. 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;**
- 5. 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;**
- 6. 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**
- 7. 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:

- 1. 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;**
- 2. the names and identification numbers of all troopers who actively participate in the search;**

3. the circumstances which constituted the reasonable suspicion giving rise to the request for consent;
 4. 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;
 5. a description of the type and quantity of any contraband or other property seized; and,
 6. 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.

Methodology

Members of the monitoring team reviewed report information for 94 consent requests and 79 consent searches,²⁴ and reviewed video tape recordings of all motor vehicle stops involving consent searches. Supporting documentation for all consent search requests was reviewed, and the events depicted on 94 video tapes reviewed (fifteen drivers declined) were assessed in light of the reports generated by the trooper concerning the event. See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

All but one of these the 94 consent request activities required by this section of the consent decree were either appropriately recorded or had errors corrected by supervisory personnel. The one that did not result in prior supervisory intervention consisted of poor or non-existent explanation of the reasons for the consent request. This constitutes an error rate of 1.1 percent. The State is judged to remain in compliance with this task.

Compliance

Phase I:	In Compliance
Phase II:	In Compliance

²⁴ Fifteen consent requests were refused.

2.8 Compliance with Task 32: Recording and Reporting of Non-Consensual Searches

Task 32	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

32. Non-consensual Searches of Motor Vehicles (Excluding Vehicle Searches Begun as a Consent Search). 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:

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

Methodology

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

New Jersey State Police SOPs reasonably address the processes of making and recording non-consensual searches, and training provided to road personnel reasonably prepares them to complete these processes in conformance to the requirements of this task.

Of the 53 MVRs reviewed which entailed non-consensual searches of vehicles²⁵, members of the monitoring team found problems with two incidents in which the troopers failed to call in the search prior to conducting it. One of these errors was caught upon supervisory review, and corrected prior to the monitors notifying the State

²⁵ Three plain view searches were also conducted this reporting period.

of their data pulls for this reporting period. The State remains in compliance with this task.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.9 Compliance with Task 33: Recording and Reporting Deployment of Drug Detection Canines

Task 33	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 33 stipulates that:

33. Drug-Detection Canines. 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:

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

Methodology

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

The policies, forms, training curricula and training processes relative to the deployment of drug detection canines and reporting of these deployments are reasonably designed to guide behavior responsive to Task 33.

Members of the monitoring team monitored, by document review, 34 reported drug detection canine deployments effected by the New Jersey State Police. Members of the monitoring team found all of the canine deployments to be accurately reported, and canines to have been deployed in conformance with the requirements of procedures and the decree.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.10 Compliance with Task 34a: Use of Mobile Video Recording Equipment

Task 34a	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 34a stipulates that:

34. Use of Mobile Video/Audio (MVR) Equipment.

a. 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.

Methodology

Members of the monitoring team requested to view video tapes for 96 events known to have occurred during the current reporting period.

Status

Members of the monitoring team found evidence of video tape recordings, or documentation of in-field mechanical problems, for all events selected for review this period. The State remains in compliance with this task.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.11 Compliance with Task 34b-c: Training in MVR Operation and Procedures

Task 34b-c	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 34b-c stipulates that:

b. 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.

c. 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.

Methodology

In addition to verifying the existence of a video tape in each patrol vehicle for each incident selected for review this reporting period (see above), members of the monitoring team pulled for review a sample of 151 post-stop law enforcement actions of interest to the decree. These included 151 events selected from New Jersey State Police databases, and 96 events assessed by reviewing video tapes.²⁶

Status

While policies have been implemented requiring video and audio recording of all consent-decree related traffic stops, not all stops are recorded in conformance with the decree.

Once stops that are not "pure" motor vehicle stops, e.g., motorist's aids and motor vehicle accidents, are removed from the sample, compliance rates for this aspect of task 34c are all within the originally established 95 percent minimum.

A review of the 96 video tapes selected by the monitoring team indicates that the agency has effectively resolved problems noted in earlier reports concerning "out of tape" issues and troopers patrolling with inoperative video units (only four of 96 incidents reviewed via video tape resulted in an "out of tape" finding). The agency has, it appears, achieved general compliance with the requirements of the decree. A problem, noted for the last few reporting periods, continues this period. This problem involves technical difficulties with audio recordings during motor vehicle stops. Of the 96 stops reviewed via video-tape this period, 13 exhibited some form of audio difficulty, and five exhibited some form of video difficulty. These incidents continue to reflect the age and maintenance of the equipment, rather than trooper-error. The State's planned new digital video systems may reduce these numbers even further. Troopers have begun activating their microphones during traffic stops at a much higher rate, with the monitoring team noting no events (of 96 reviewed) in which activation was delayed for a reason other than technical difficulties. This constitutes an error rate of zero percent, within the newly established 90 percent requirement for this task, and interestingly, within the original 95 percent requirement. The State remains in compliance with this task.

Compliance

Phase I:	In Compliance
Phase II:	In Compliance

²⁶ All 96 events reviewed by video-tape were included in the 151 MVSRs reviewed.

2.12 Compliance with Task 35: Supervisory Review of Trooper Reports

Task 35	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 35 stipulates that:

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.

Methodology

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

A review of all electronic records of motor vehicle stops, completed during the reporting period indicated that all selected events had their supporting MVSRs reviewed by supervisory personnel. The monitors assessed all electronic records for MVSRs, and determined that greater than 99 percent of all MVSRs received initial supervisory review within 14 days of the event reported in the MVSR.

A review of 151 hardcopy records of motor vehicle stop activity indicates supervisory personnel reviewed 129 of 151 reports. The monitoring team reviewed all completed MVSRs for the 151 selected stops reviewed this period for evidence of reporting or procedural errors that should have been noted by supervisory personnel. Supervisory personnel, prior to the monitors' review, also reviewed all but 22 tapes reviewed by the monitors. From those 129 events, the monitors found only one that exhibited some form of reporting problem that should have been noted by supervisory review, but were not. This report involved failure to note lack of reasonable articulable suspicion to warrant request, i.e., "conflicting statements" re itinerary.

This constitutes an error rate of one of 129 events reviewed by supervisory personnel (less than one percent), within the allowable five percent error rate for this task. The quality of supervisory review remains within acceptable standards.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.13 Compliance with Task 36: Supervisory Review of MVR Tapes

Task 36	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 36 stipulates that:

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.

Methodology

See Section 2.2, above, for a description of the methodology used to assess compliance for this task.

Status

During electronic reviews of Supervisors Review of Motor Vehicle Contact Recordings, members of the monitoring team reviewed 129 supervisors' MVR review reports. The quality of these reports had improved substantially over the past six reporting periods. That improvement was interrupted this reporting period. All reviews assessed this reporting period were completed using the new MAPPS performance management system. This process is a vast improvement over earlier processes. Members of the monitoring team were able to compare 129 supervisors' reviews with actual video tapes (the same tapes reviewed by supervisors as part of their review process). Members of the monitoring team noted two issues in the 129 tapes they reviewed that were missed by the supervisory cadre at the New Jersey State Police.

These included:

1. This report involved failure to note lack of reasonable articulable suspicion to warrant request, i.e., "conflicting statements" re itinerary²⁷.
2. Failure to document and explain an "extemporaneous" frisk of a driver for no apparent articulable suspicion.²⁸

This constitutes an overall error rate for supervisory review of 1.6 percent, within the acceptable error rate of five percent.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.14 Compliance with Task 37: Supervisory Referral to PSB of Observed Inappropriate Trooper Conduct

Task 37	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 37 stipulates that:

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.

Methodology

²⁷ This event occurred as part of a directed stop related to a dismounted post toll evasion detail.

²⁸ This stop report was not reviewed by OSPA personnel as it was not among the critical incidents requiring review by management and OSPA personnel.

See Section 2.2, above, for a description of methodologies used to assess compliance for this task.

Status

The monitors have observed "course-of-business" records of continual referrals to OPS of actions or omissions by road personnel, although such referrals have become more rare in recent reporting periods. This is, in the monitors' opinions, directly due to the increased levels of routine supervision, which have reduced errors on the part of road personnel. The State is judged to remain in compliance with this task. One incident was noted, during the fifteenth monitoring period that should have been referred to OPS. An appropriate referral was made.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.15 Compliance with Task 38: Periodic Reviews of Referral Decisions

Task 38	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 38 stipulates that:

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.

Methodology

Personnel at the Office of the Attorney General (Office of State Police Affairs) and the New Jersey State Police are aware of the requirement to monitor referral decisions pursuant to paragraph 37 of this decree. Training for all supervisory personnel included a discussion of the requirement to "copy" to the Office of State Police Affairs any referrals to OPS by supervisory personnel.

Referrals have been made to the Office of Professional Standards. Personnel from the OAG are aware of the requirement for periodic audits, and have conducted audits of

New Jersey State Police activities during the last reporting period (see section 2.83, below). OSPA has in place an extensive audit process designed to identify and remedy problematic supervisory processes, including problematic referral decisions. Staff from OSPA routinely audit field supervisory personnel's review of field practice, their associated supervisory actions to remedy inappropriate action on the part of law enforcement personnel, and their decisions to (or not to) refer trooper behavior to OPS.

Status

One incident was noted, during the fifteenth monitoring period that should have been referred to OPS. Appropriate referrals were made. The State remains in compliance with this task.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.16 Compliance with Task 39: Regular Supervisory Activity in the Field

Task 39	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 39 stipulates that:

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.

Methodology

Members of the monitoring team reviewed 92 motor vehicle stop reports that recorded an event at which a New Jersey State Police sergeant was present, constituting field activity in 61.0 percent of all stops selected this period.

Status

Based on the monitors' review of 96 tapes recording incidents at which state police supervisors were present, the monitors noted only two incidents in which procedural violations related to the consent decree were made that were not duly noted and

corrected by field supervisory personnel on the scene or upon subsequent tape review. This constitutes an error rate of 2.1 percent, within the allowable 95 percent compliance rate.

Compliance:

Phase I: In Compliance

Phase II: In Compliance

2.17 Compliance with Task 40: Development of a Management Awareness and Personnel Performance System

Task 40	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 40 stipulates that:

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").

Methodology

This reporting period, the monitors assessed the MAPPS information system to ensure that MAPPS is being used appropriately as a personnel management tool. In all, the monitors performed more than 151 tests of MAPPS system functionality. Each of these tests is reported below, in the analysis of tasks 41-51. In addition to the disaggregated systems tests, the monitors attended and observed a risk management meeting, which uses MAPPS data and information to assess risks to the agency that might require changes in training, supervision, policy or leadership. The results of these process tests are discussed below, in the analysis of tasks 41-51.

MAPPS has been implemented as an operational system, and as implemented, has all of the individual system capabilities required by the decree. The live data in MAPPS, as of the monitors' fifteenth site visit, are the full spectrum of system data anticipated for MAPPS. The application of benchmarking criteria and implementation of the capacities

for conducting long-term analyses continue to be observed for the third consecutive reporting period.

Phase I: In Compliance

Phase II: In Compliance

2.18 Compliance with Task 41: Data Included in the MAPPS System

Task 41	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 41 requires that:

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.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

The monitors have identified 25 specific sets of data required by paragraph 41. Each of the 20 required primary elements, i.e., those not identified as being "narrative elements" which are allowed to be stored outside of MAPPS proper, continue to be found in the MAPPS system. In addition, the five non-primary requirements, identified as "narrative elements" were reasonably available through other systems. The monitors continue to find the system to be capable of processing the required data in reasonable ways. The system continues to be reasonably user-friendly and usable. All items required by subparagraphs "b" and "c" of paragraph 41 were also included in the operational MAPPS in that the system contained sub-programs designed to handle these requirements. Data for these subsystems have been ported to the MAPPS system, and managers use these systems on a daily basis.

Compliance:

Phase I: In Compliance

Phase II: In Compliance

2.19 Compliance with Task 42: Annual Access to Troopers' Personal MAPPS Data

Task 42	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 42 requires that:

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.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

Policies supporting this requirement have been completed. The monitors have reviewed these policies, and have approved them as written.

Compliance:

Phase I: In Compliance

Phase II: In Compliance

2.20 Compliance with Task 43: Production of "Counts" and Percentages for Stop Data

Task 43	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 43 requires that:

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.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

The primary data elements identified in paragraph 29 a (1-19) are manipulable by "count" and percentage, and can be reported by different time periods, as required by this paragraph. MAPPS contains the ability to access (in most cases through other available automated systems) the items identified in paragraph 29a (5a, 8a, 12a, 13a, 14a, 15a, and 17a). MAPPS has the capacity to retrieve and report information regarding misconduct investigations/allegations, civilian compliments, civil suits, uses of force, post-stop interactions, criminal arrests and charges and implementation of interventions. Access to these elements is reasonably effective and efficient, in the opinion of the monitors. Management personnel are accessing the system on a day-to-day basis.

Compliance:

Phase I: In Compliance
Phase II: In Compliance

2.21 Compliance with Task 44: Common Control Numbers

Task 44	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 44 requires that:

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.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

The State has identified the "CAD incident number" (CIN) as the common control number. Use of the CIN has been in effect since early in the consent decree process.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.22 Compliance with Task 45: Timely Access to MAPPS Data

Task 45	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 45 requires that:

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.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

Operational plans for inclusion of MAPPS information have been articulated in New Jersey State Police operations instructions and supporting documentation. Implementation of these procedures has been accomplished, and the system works as designed relative to the requirements of this task.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.23 Compliance with Task 46: Development of a MAPPS Plan

Task 46	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 46 requires that:

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.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

With implementation of the MAPPS components during the tenth reporting period, the State has effectuated its MAPPS plan.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.24 Compliance with Task 47: Supervisory and Management Reviews

Task 47	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 47 requires that:

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.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

Operational plans for use of MAPPS information by supervisory and management personnel have been articulated in New Jersey State Police operations instructions and supporting documentation. Implementation of these functions began in January, 2004.

For the past five reporting periods, the monitors have been carefully reviewing the use of supervisory review processes regarding instances in which supervisors have noted a problem with a motor vehicle stop, and had created narratives in MAPPS identifying a problem with trooper actions, noting in the MAPPS the action taken regarding the problems as "No Further Action." The monitors discussed this issue in detail with the State, and reviewed MAPPS training documents regarding this process. The State implemented, during the fourteenth reporting period, a "trooper centric" data query system that deals with this issue in an effective and elegant manner.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.25 Compliance with Task 48: Quarterly Reviews of MAPPS Data

Task 48	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 48 requires that:

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 sub-units are performing their duties in accord with the provisions of this Decree and associated protocols.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

Operational plans for use of MAPPS information by supervisory and management personnel have been articulated in New Jersey State Police operations instructions and supporting documentation. Implementation of these procedures have been executed. The monitors have reviewed reports generated in response to this section of the decree, and find them to be responsive to the requirements of the decree and to be used effectively as management tools.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.26 Compliance with Task 49: Reporting Capabilities of MAPPS

Task 49	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 49 requires that:

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.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

Operational plans for reporting of MAPPS information within the categories stipulated in this paragraph have been articulated in New Jersey State Police operations instructions and supporting documentation. Implementation of these has been executed. During the site visit for the fifteenth reporting period, the monitors reviewed MAPPS reports created in response to this section of the decree and found them to be effective management tools. The State remains in compliance with this requirement of the decree.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.27 Compliance with Task 50: Comparisons Using Benchmarks

Task 50	1	2	3	4	5	6	...	10	11	12	13	14	15
Phase I													
Phase II													

Task 50 requires that:

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 sub-units.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

During the thirteenth site visit, MAPPS personnel presented to the monitors detailed documentation regarding benchmarking and trend analysis. The activities related to Task 50 were organized into two separate functions: detailed data analysis using external and internal benchmarking processes, and high-level analysis and decision making regarding issues identified by the analysis by the Risk Management Core Group (RACG), in which key command staff review and discuss MAPPS data reports and take key decisions to move the organization forward regarding motor vehicle stop (and other) critical issues. Data analysis and the RACG meeting process for the third of five State Police troops (A, B and C) were completed during the fourteenth reporting period. The anticipated fourth data analysis report for Troop D was not completed during the fifteenth reporting period. Troops A and B comparisons and analyses were completed by implementation of a Risk Assessment Core Group (RACG) meeting process. The monitors approved both the MAPPS analytic process and the RACG discussion, analysis and decision processes as co-components of compliance for Task 50. Planning for the Task 50 Risk Management Advisory Panel (RMAP) meeting on Troop C was "in progress" during the Monitors' 14th site visit in May, 2006. Prior to the filing of the monitors' 14th status report, OSPA and NJSP planned to hold the meeting on Troop C data during the fifteenth reporting period, and to hold that meeting concurrently with the Troop D meeting.

As of the date of preparation of this report, the RACG meeting's critical analysis and problem-solving process for long-term trend analysis and benchmarking for motor vehicle stop data related to racial and ethnic characteristics of drivers and passengers has not been conducted. Troop C data should have been subjected to that process during the 15th reporting period, and is now six-months delayed. Troop D data should

have been subjected to that process during the 15th reporting period, and is now also past due.²⁹ It appears that OSPA had communicated with personnel within the Office of Strategic Initiatives regarding the need to convene Task 50 (and Task 51) related meetings of the Risk.

Key components of the analytic process for Troops C and D (and to a lesser extent, Troop E) were completed during the fifteenth reporting period; however, the final data analytic reports have not been completed and RMAP meetings have not been held on Troops C or D. Based on these facts, the monitors implemented a second site visit related to the fifteenth monitors' report. This site visit took place in December, 2006. The purpose of the second site visit was to clarify issues related to Tasks 50 and 51, and to further refine the monitors' understanding of DIAP and Desert Snow training issues.

During the course of this second site visit, issues surfaced regarding Task 50 and 51 that were previously unknown to the monitors, but which also provided clarification regarding the reasons for delays to the Troop C and D analytic processes. These issues included workload, staffing, technology, and information access factors. Each of these is discussed in some detail below.

Workload

During the course of the fifteenth reporting period, the New Jersey State Police evolved in its use of the MAPPS/RACG process, moving beyond what was *required* by the decree to exceptional problem-analytic and problem solving processes using MAPPS and portions of the RACG structure. New Jersey State Police noted two emergent issues during the fifteenth reporting period. The first was a peak in the frequency of incident related to an increase in off-duty misconduct allegations involving Division personnel. The second, as noted earlier, was a significant peak in consent search request incidents. The Office of the Superintendent tasked MAPPS and the Office of Strategic Initiatives to conceptualize, implement, and report a data-centric analytic process to determine the scope of these two issues, identify critical factors related to these issues, and synthesize solutions and recommendations. This occurred between May and October, 2006, and represented a dramatic increase in workload for the MAPPS-RACG function.

Obviously one of these issues is decree-related, but *both* impact on the ability of the organization's top management to identify and deal with problems *before* they become critical issues. This is exactly the type of functions that MAPPS was designed to facilitate, and the monitors commend the Division for its initiative and foresight in

²⁹ The RACG meeting for Troops C and D is currently planned for January, 2007.

moving to address these problems in an immediate fashion. The workload generated by these processes, however, appeared to seriously over-task assigned personnel.

Staffing

During the fifteenth reporting period, a civilian analyst, critical to the completion of Task 50 and Task 51 functions took an extended (two month) medical leave. This virtually brought an end to the Division's ability to provide the type of analytical skills necessary to comply with Task 50 and 51, particularly considering the dramatic increase in workload experienced this reporting period. The loss of personnel undoubtedly affected the organization's ability to meet its Task 50 and 51 duties this reporting period, and, we believe, is directly tied to some of the missed deadlines noted in this report. As with the training academy issues noted early on in this monitoring project, the monitors see the need for a detailed workload and staffing analysis for the MAPPS unit and the Office of Strategic Initiatives/RACG units to ensure that staff are adequately cross-trained, that critical staffing levels are met, and that sufficient redundancies are built in to the personnel component to avoid a repeat of the issues confronted with staffing and workload this reporting period.

Technology

It appears that critical technology allowing MAPPS/OSI/RACG personnel to access, organize and analyze operational data are not available at this time, although requests for purchase of hardware and software resources have been approved through asset forfeiture funds for these functions. While the technology needs are substantive, they are relatively basic, given the operational requirements outlined by the decree and current internal mandates: hardware and software allowing direct access to MAPPS, CAD and RMS data, and analysis of that data, distilling it to useable form for managers and key decision-makers. The monitors understand that fiscal issues endemic within the State at this time have delayed these acquisitions; however, Task 50 and 51 functions are critical to decree-related issues, and the monitors fail to see how the State can maintain compliance without providing the necessary tools for MAPPS/RACG/OSI to provide the data analytic functions required by the decree.

Information Access

Information obtained during the monitors' second site visit for the fifteenth reporting indicated that MAPPS/RACG/OSI personnel were having difficulty obtaining data from the Information Technology Bureau in a timely fashion. The monitors were troubled by this revelation for two reasons: first a great deal of the information necessary for Task 50 analyses is "fixed," i.e., knowable in advance, and thus "programmable" through institutionalized, standing data requests to the ITB with knowable delivery windows allowing time to gather, transfer, analyze, and report these data. That

institutionalization of data requests has not been accomplished. (Access to the more critical supplemental data, to inform new or emerging issues is less amenable to routinization). Second, the monitoring project is a very mature one, having been implemented six years ago. To have difficulty gaining access to information needed for compliance with the decree at this stage of the process is out of character with the State's performance to date.

Compliance

The State has missed its deadline for providing the Troop D data report and for analyzing the Troop C *and* Troop D data via the RACG process. This misstep comes after two reporting periods of compliance, and is, the monitors believe, a function of increased workload that illustrates a very positive *evolution* of the data-centric and data-analytic nature of the New Jersey State Police at this point in time. It does, however, represent a breakdown in established compliance activities, albeit for understandable and documentable reasons.

The monitors noted in the fourteenth monitoring report that Task 50 functions were "important to long-term compliance." The monitors further noted that "delayed attainment of compliance" in these areas "did not diminish achievement of substantial compliance" with the decree. After two consecutive reporting periods of compliance, the record indicates that the State has significantly *delayed* compliance activities related to Task 50, albeit for understandable—and in some cases uncontrollable—reasons. To allow the monitors to more fully assess the nature of the State's compliance efforts for Task 50, the State is placed under warning for this task. Failure to come into full compliance by April 30, 2007 will result in a loss of compliance for this task.

Phase I: In Compliance
Phase II: In Compliance

2.28 Compliance with Task 51: Analysis of Trends

Task 50	1	2	3	4	5	6	...	10	11	12	13	14	15
Phase I													
Phase II													

Task 51 requires that:

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.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

During the course of the fifteenth reporting period, the New Jersey State Police evolved in its use of the MAPPS/RACG process, moving beyond what was *required* by the decree to exceptional problem-analytic and problem solving processes using MAPPS and portions of the RACG structure. New Jersey State Police noted two emergent issues during the fifteenth reporting period. The first was a peak in the frequency of incident related to allegations of off-duty misconduct involving Division personnel. The second, as noted earlier, was a significant peak in consent search request incidents. The Office of the Superintendent tasked MAPPS and the Office of Strategic Initiatives to conceptualize, implement, and report a data-centric analytic process to determine the scope of these two issues, identify critical factors related to these issues, and synthesize solutions and recommendations.

Execution of Task 50 functions and completion of Risk Assessment Core Group functions are critical to the maintenance of compliance with this task as it relates to motor vehicle stop data. See Section 2.27, above, for a complete discussion of these compliance issues.

Compliance

The State has missed its deadline for providing the Troop D data report and for analyzing the Troop C *and* Troop D data via the RACG process. This misstep comes after two reporting periods of compliance, and is, the monitors believe, a function of increased workload, which illustrates a very positive *evolution* of the data-centric and data-analytic nature of the New Jersey State Police at this point in time. It does, however, represent a breakdown in established compliance activities, albeit for understandable and documentable reasons.

The monitors noted in the fourteenth monitoring report that Task 50 functions were "important to long-term compliance." The monitors further noted that "delayed attainment of compliance" in these areas "did not diminish achievement of substantial compliance" with the decree. After two consecutive reporting periods of compliance, the record indicates that the State has significantly *delayed* compliance activities related to Task 51, albeit for understandable—and in some cases uncontrollable—reasons. To allow the monitors to more fully assess the nature of the State's compliance efforts for

Task 51, the State is placed under warning for this task. Failure to come into full compliance by April 30, 2007 will result in a loss of compliance for this task.

Phase I: In Compliance

Phase II: In Compliance

2.29 Compliance with Task 52: Supervisors to Implement Necessary Changes

Task 52	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 52 stipulates that:

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.

Methodology

During the fifteenth reporting period, members of the monitoring team noted 32 instances of supervisory personnel issuing "performance notices" or other interventions for actions taken by division personnel inconsistent with policy or established practice. Evidence exists to support the fact that supervisory personnel are carefully reviewing trooper activity and issuing performance notices or other "interventions" when inappropriate behavior occurs. The monitors commend the State and the supervisory and management personnel at the New Jersey State Police for a marked and impressive improvement in the level and quality of supervisory review evidenced during this reporting period. See sections 2.13 and 2.16, above, for additional comments relative to supervisor review.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.30 Compliance with Task 53: Supervisory Review of Troopers with More than Two Misconduct Investigations in Two Years

Task 53	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 53 stipulates that:

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.

Status

The State has developed a system of OPS notification of more than two misconduct investigations in a two-year period. Development of protocols for implementation of this provision have been a primary focus of the State for several reporting periods. During the tenth reporting period, the State had assigned responsibility for this task to the Office of Professional Standards. Data indicate that these reviews are being meaningfully conducted as required by the decree. Documentary evidence available in MAPPS indicates that supervisory personnel are meeting with troopers meeting the criteria of this task, and, when necessary, discussing any applicable patterns of complaints.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.31 Compliance with Task 54: Drivers Survey of the New Jersey Turnpike

Task 54	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 54 stipulates that:

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.

Methodology

The State has completed the required traffic survey, and has released the document to the public.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.32 Office of Professional Standards Requirements

Based on more than two years of successful performance regarding OPS-related decree requirements, and the agreement of the parties and the monitors, the Department of Justice joined with the State in a petition with the Court for release from most of the requirements of the consent decree related to OPS. This motion was granted by the Court, and, as such, the monitors discontinued monitoring activities for OPS requirements as of July, 2004 (the twelfth reporting period), with the exception of specifically articulated continuing requirements remaining under monitoring activities (i.e., tasks 87 and 90).

Task 87, which requires the State, based on the agreement of the parties and the monitors, to complete investigations of citizens' complaints within 120 days, was evaluated by reviewing the "120-day Report," an OPS-generated, "normal course of

business” report developed to monitor overdue cases and prevent an additional case backlog. Based on the 120-day Report, the State remains in compliance with this task.

Task 90, which requires imposition of appropriate discipline in Consultation with MAPPS, was evaluated by reviewing “course of business” documents related to the OPS review of sustained OPS investigations, executive-level decisions regarding discipline, and the existence in MAPPS of records reflecting discipline. The State is judged to be in Phase I and Phase II compliance with the requirements of Task 90.

2.33 Training Assessment

The Academy has attained compliance performance areas as of the fourteenth reporting period. The return on the Division’s investment in increased manpower, equipment, and automation at the Academy over the past twelve months is remarkable and is reflected in the findings in this report. The Superintendent and the command staff continue to demonstrate a strong commitment to, and interest in the training function provided by the New Jersey State Police Academy.

Actions noted during the monitors’ fifteenth site visit are discussed in some detail in the paragraphs below.

2.34 Compliance with Task 93: Development and Evaluation of Quality of Training Programs

Task 93	1	2	3	4	5	...	9	10	11	12	13	14
Phase I												
Phase II												

Task 93 stipulates that:

93. The New Jersey State Police shall continue to: oversee and ensure the quality of all training of state troopers; continue to develop and implement the State Police academy curriculum for training State Police recruits, and provide training for academy instructors; select and train state trooper coaches in coordination with and assistance from State Police supervisors; approve and supervise all post-academy training for state troopers, and develop and implement all post-academy training conducted by the State Police; provide training for State Police instructors who provide post-academy training; and establish procedures for evaluating all training (which shall include an evaluation of instructional content, the quality of instruction, and the implementation by state troopers of the practices and procedures being taught).

Methodology

The monitoring team reviewed "normal course of business" records for the academy, and discussed specific aspects of training development, delivery and documentation processes for the reporting period. Members of the monitoring team also reviewed detailed evaluation processes for this requirement of the decree, and found them to be professionally developed, articulated, and implemented.

Status

Task 93 enumerates the eight areas of responsibility assigned to the Academy through the consent decree. No significant changes were noted in Academy processes related to the requirements of the decree outlined in this section. The Academy staff continues to use evaluation data to update and to refine program procedures, curricula, and training techniques. The Academy has developed and implemented comprehensive processes relating to ensuring quality training for all state troopers, curriculum development for recruit training, training for Academy instructors, training for trooper coaches, and training evaluation, and continues to implement those processes in a professional and effective manner.

The process of measuring field implementation of training objectives continues to evolve. The Research and Innovation Unit is using new software to collect and analyze data related to implementation for the other Academy units, which develop and deliver the training. The monitoring team expects that this process will grow with time and experience and will become more comprehensive and sophisticated in its measures and its methods.

A training oversight incident rose to the surface this period, leading to revisions to departmental SOPs related to training. The federal Department of Transportation and the Department of Homeland Security presented to State Police personnel two drug interdiction programs designed for commercial vehicle inspection personnel: The Drug Interdiction Awareness Program (DIAP) and Operation Desert Snow. This training was intended for commercial vehicle personnel, but was actually offered to a number of regular road troopers, without the requisite curriculum review required by the consent decree. The system, in effect, "worked," noting that unapproved training was offered to some road patrol troopers, and terminating the training until it is fully vetted by the Academy and approved for delivery to road troopers. Curriculum review processes have been revised to reflect this incident.

Phase I: In Compliance
Phase II: In Compliance

2.35 Compliance with Task 97: Encourage Superior Troopers to Apply for Academy

Task 97	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 97 stipulates that:

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

Methodology

The monitoring team reviewed "normal course of business" records for the academy, and discussed specific aspects of training development, delivery and documentation processes for the reporting period. Members of the monitoring team also reviewed detailed evaluation processes for this requirement of the decree, and found them to be professionally developed, articulated, and implemented.

Status

The quality of training depends upon the availability of qualified training staff in adequate numbers to fulfill the responsibilities assigned to the Academy. This unit has an impact on every member of the organization through the training it provides and the evaluation of how that training is implemented throughout the Division. This is an area of critical importance, and as such, the levels of staffing must be reviewed on a regular basis and with a timely response to the needs that occur.

- Staffing levels at the Academy continue to be monitored to ensure that they adequately meet the demands placed on the Academy. The monitors noted that the organizational chart lists 62 personnel assigned to the Academy; however, a number of detachments reduces the active number of personnel currently working on site. It appears, at this time, that the Academy is adequately staffed.
- The Executive Development Training Unit submitted a well-documented request for

additional staffing in April 2006. The staff from this unit provides support to all other units on the topic of leadership. They have also opened the First Line Supervisor's Course and the Lieutenant's Course to outside agencies and are generating income that could offset the cost of increasing additional staff to this unit.

- The lists of eligible applicants for Academy staff and for trooper coaches have been exhausted. A request for applicants will be submitted to the division soon. Academy staff conducted a recruiting education day at each of the troop headquarters to further trooper understanding the functions and responsibilities involved in being a member of the Academy staff. Also, due to the number of specialist positions that are often available, the pool of applicants for trooper coach has been smaller than hoped of late.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.36 Compliance with Task 98: Formal Eligibility Criteria for Training Personnel

Task 98	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 98 stipulates that:

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.

Methodology

The monitoring team reviewed "normal course of business" records for the academy, and discussed specific aspects of training development, delivery and documentation processes for the reporting period. Members of the monitoring team also reviewed detailed evaluation processes for this requirement of the decree, and found them to be professionally developed, articulated, and implemented.

Status

The criteria stipulated by this section of the decree are being met and are supported by documentation maintained at the Academy. The files are audited at appropriate intervals by Academy staff.

Status

Academy Personnel	Post Academy	Trooper Coach Personnel
Phase I: In Compliance	In Compliance	In Compliance
Phase II: In Compliance	In Compliance	In Compliance

2.37 Compliance with Task 99: Training for Academy Instructors

Task 99	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 99 stipulates that:

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.

Methodology

The monitoring team reviewed "normal course of business" records for the academy, and discussed specific aspects of training development, delivery and documentation

processes for the reporting period. Members of the monitoring team also reviewed detailed evaluation processes for this requirement of the decree, and found them to be professionally developed, articulated, and implemented.

Status

All Academy and post-Academy instructors, and Trooper Coach personnel meet these requirements. Documentation is on file, and was reviewed by members of the monitoring team. Trooper coaches will now be completing the Instructor Training Course as part of the coach training to better prepare them in their teaching role with the probationary troopers.

Compliance:

	<u>Academy Instructors</u>	<u>Post-Academy</u>	<u>Trooper Coaches</u>
Phase I:	In Compliance	In Compliance	In Compliance
Phase II:	In Compliance	In Compliance	In Compliance

2.38 Compliance with 100: Training in Cultural Diversity

Task 100	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 100 stipulates that:

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.

Methodology

The monitoring team reviewed "normal course of business" records for the academy, and discussed specific aspects of training development, delivery and documentation

processes for the reporting period. Members of the monitoring team also reviewed detailed evaluation processes for this requirement of the decree, and found them to be professionally developed, articulated, and implemented.

Status

The Academy continues to provide cultural diversity, ethics and leadership training as part of its integrated training curricula. Training in these areas continues to conform to the seven-step training development, delivery and evaluation process agreed to between the monitors and the State. Mandated annual training on these topics begins in October and will be completed before December 31, 2006.

	Cultural Diversity	Ethics	Leadership
Phase I:	In compliance	In compliance	In compliance
Phase II:	In compliance	In compliance	In compliance

2.39 Compliance with Task 101: Recruit and In-Service Training on Fourth Amendment and Non-Discrimination Requirements

Task 101	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 101 stipulates that:

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.

Methodology

The monitoring team reviewed "normal course of business" records for the academy, and discussed specific aspects of training development, delivery and documentation processes for the reporting period. Members of the monitoring team also reviewed

detailed evaluation processes for this requirement of the decree, and found them to be professionally developed, articulated, and implemented.

Status

The Academy continues to provide integrated training curricula that conform to the seven-step training development, delivery and evaluation process agreed to between the monitors and the State.

Compliance: In-Service	Recruit
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Phase I:	In Compliance	In Compliance
Phase II:	In Compliance	In Compliance

2.40 Compliance with Task 102: Training Protocols for the Trooper Coach Process

Task 102	1	2	3	4	5	6	7	8	9	10	11	12
Phase I Phase II												

detailed evaluation processes for this requirement of the decree, and found them to be professionally developed, articulated, and implemented.

Status

The State continues to field a strong response to all the responsibilities listed in the consent decree for this task, and the Academy personnel tasked with coordinating this program continue to revise and refine their oversight capabilities as new issues arise and new means of gaining oversight information are developed. Currently, the New Jersey State Police technology unit and the Academy technology unit completed the revised coach website and are continuing to refine the electronic data management system for this program.

The coach program is functioning well in meeting the needs of the new probationary troopers. The monitors routinely observe young troopers in the performance of their duties during their review of video tapes of motor vehicle stops, and attest to the value of the Trooper Coach process. The SOP governing this program is being revised to include improvements made to the program and to ensure the oversight processes.

Compliance:

Phase I: In Compliance

Phase II: In Compliance

2.41 Compliance with 103: Provision of Copies of the Decree to all State Troopers

Task 103	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 103 stipulates that:

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.

Compliance

Phase I: In Compliance
Phase II: In Compliance

Methodology

The monitoring team spoke with the Academy staff responsible for this task and reviewed supporting documentation.

Status

The New Jersey State Police achieved compliance for this task in September 2000, and has maintained that compliance. Revisions to policy for consent decree-related tasks are handled by notification of specific Division personnel at the quarterly Training Committee meetings and through IOCs. This is a comprehensive oversight process. To be certain that the process is functioning as intended requires a regularly scheduled audit of the documentation at the section level to be sure that all "read and sign documentation" is complete.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.42 Compliance with 104: Systems Improvement Processes for Police Training

Task 104	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 104 stipulates that:

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.

Methodology

The monitoring team reviewed "normal course of business" records for the academy, and discussed specific aspects of training development, delivery and documentation processes for the reporting period.

Status

The Academy has developed a comprehensive process with many access points for identifying the training needs in the organization, and continues to act on identified needs professionally.

It has been determined that the Instructor Training Program will be provided to instructors who provide training to school liaison officers to ensure the quality of training.

Compliance:

Phase I: In Compliance

Phase II: In Compliance

2.43 Compliance with 105: Provision of Training for Supervisors

Task 105	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 105 stipulates that:

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 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.

Methodology

The monitoring team reviewed "normal course of business" records for the academy, and discussed specific aspects of training development, delivery and documentation processes for the reporting period. Members of the monitoring team also reviewed

detailed evaluation processes for this requirement of the decree, and found them to be professionally developed, articulated, and implemented.

Status

Training at the academy continues to be developed, delivered and evaluated using the seven-step process developed early on in the consent decree process. Initial training was provided within the first year, as required, and annual in-service training has been offered since inception of the monitoring process. Training continues to be updated based on needs assessments and evaluation processes. Integration of training continues to be a strong focus of the training processes. This program was recently conducted for supervisors from outside police agencies and received excellent reviews. It also generated income for the Division.

Compliance:

Phase I: In Compliance

Phase II: In Compliance

2.44 Compliance with Task 106: Training for Newly Promoted State Troopers

Task 106	1	2	3	4	...	8	9	10	11	12	13	14
Phase I												
Phase II												

Task 106 stipulates that:

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 seven months of the promoted trooper's service in his or her new rank.

Methodology

The monitoring team reviewed "normal course of business" records for the academy, and discussed specific aspects of training development, delivery and documentation processes for the reporting period. Members of the monitoring team also reviewed detailed evaluation processes for this requirement of the decree, and found them to be professionally developed, articulated, and implemented.

Status

The Academy continues to provide integrated training curricula that conform to the seven-step training development, delivery and evaluation process agreed to between the monitors and the State.

Captains and Above

Phase I: In Compliance

Phase II: In Compliance

Sergeants and Lieutenants

Phase I: In Compliance

Phase II: In Compliance

2.45 Compliance with Task 107: Provision of Specialized Training

Task 107	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 107 stipulates that:

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.

Methodology

The monitoring team reviewed "normal course of business" records for the academy, and discussed specific aspects of training development, delivery and documentation processes for the reporting period. Members of the monitoring team also reviewed detailed evaluation processes for this requirement of the decree, and found them to be professionally developed, articulated, and implemented.

Status

Training processes for post-academy training for "newly assigned" troopers were implemented during the seventh reporting period. Evaluation processes related to the "impact in the field" of this training were implemented during the fourteenth reporting period. These processes were identified by the Academy during this reporting period, and have been reviewed by the monitoring team, and found to be meaningfully related to performance-in-the-field factors for this task. All instructors external to the Academy

will be completing the Instructor Training Program to insure the delivery of quality training.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.46 Compliance with 108: Inclusion of Training Data in MAPPS Program

Task 108	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 108 stipulates that:

108. The State Police shall continue to maintain records documenting all training of state troopers. As part of the MAPPS, the State Police will track all training information, including name of the course, date started, date completed, and training location for each member receiving training. The MAPPS will maintain current and historical training information.

Methodology

The monitoring team reviewed "normal course of business" records for the academy, and discussed specific aspects of training development, delivery and documentation processes for the reporting period. Members of the monitoring team also reviewed detailed evaluation processes for this requirement of the decree, and found them to be professionally developed, articulated, and implemented.

Status

The New Jersey State Police Academy's Technology Unit continues to implement new platforms included in the new Geo Learning Software. The New Jersey State Police Academy is leading the way in demonstrating how the program can assist personnel in managing their responsibilities at every level in the organization.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.47 Compliance with Task 109: Establishment of a Central Repository for Training Records

Task 109	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 109 stipulates that:

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.

Methodology

The monitoring team reviewed "normal course of business" records for the academy, and discussed specific aspects of training development, delivery and documentation processes for the reporting period. Members of the monitoring team also reviewed detailed evaluation processes for this requirement of the decree, and found them to be professionally developed, articulated, and implemented.

Status

The Geo Learning electronic program allows the Academy to provide oversight and management of all training records and trooper coach materials.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.48 Compliance with Task 110: Creation of the Office of State Police Affairs

Task 110	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 110 stipulates that:

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.

Methodology

Members of the monitoring team have interviewed the majority of personnel assigned to the Office of State Police Affairs and have discussed with them their assigned duties, have seen samples of the work product they have created in developing the State's responses to the requirements of the decree, and/or have queried them regarding their understanding of their roles in developing the State's response to the decree.

Status

Based on the monitoring team's review of work product, and information obtained during the process of implementing the fifteenth site visit, it is clear to the members of the monitoring team that the State is in compliance with this task. All duties assigned to the Office of State Police Affairs have been completed as of the twelfth site visit, upon final implementation of the MAPPS processes for long-term trend analysis and benchmarking. The office provides coordination with the monitors and the Department of Justice, and the office is headed by an Assistant AG during this reporting period. The office routinely audits the process of managing misconduct investigations, and routinely audits performance on MVSR processes. These audits consist of on-site reviews, basically replicating those engaged in by the monitoring team, with samples of MVSR and MVR recordings reviewed by OSPA personnel. Problems are noted and remedial measures are recommended. Technical assistance and training is provided routinely by the office regarding these matters. The mechanism and duty assignments exist to

complete the duties of the office as soon as practicable. The State remains in compliance with this task.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.49 Compliance with Task 111: Audits of Motorists Subjected to Motor Vehicle Stops

Task 111	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 111 stipulates that:

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.

Methodology

The monitors have reviewed data provided by the State regarding this task, and find the State continues to be in compliance.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.50 Compliance with Task 112: Internal Audits of Citizen Complaint Processes

Task 112	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 112 stipulates that:

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.

Methodology

Data regarding task 112 indicate that the State continues to perform this task in a satisfactory manner.

Status

The State remains in compliance with this task.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.51 Compliance with Task 113: Full and Unrestricted Access for the Office of State Police Affairs

Task 113	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 113 stipulates that:

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.

Methodology

Members of the monitoring team observed the personnel from the Office of State Police Affairs during the course of the site visit during the week of May 19th, 2003.

Status

Based on the team's observations, members of the Office of State Police Affairs have full and unrestricted access to all State Police staff, facilities and documents.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.52 Compliance with Task 114: Publication of Semi-Annual Reports of Aggregate Traffic Stop Statistics

Task 114	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 114 stipulates that:

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 record keeping 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.

Methodology

The State has produced its latest "Semi-Annual Public Report of Aggregate Data," in response to this provision of the decree.

Status

Members of the monitoring team have reviewed the latest report prepared by the Office of State Police Affairs, and found it to be responsive to the requirements of the decree.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.53 Compliance with Task 115: Appointment of Independent Monitor

Task 115	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 115 stipulates that:

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 them Monitor from among the names of qualified persons submitted. The State shall bear all costs of the Monitor, subject to approval by the Court.

Methodology

Members of the monitoring team reviewed the order from United States District Court Judge Mary L. Cooper, appointing an independent monitoring team on March 30, 2000.

Status

The State is judged to remain in compliance with this task.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.54 Compliance with Task 118: Full and Unrestricted Access for Monitors

Task 118	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 118 stipulates that:

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.

Methodology

Members of the monitoring team were accorded full and unrestricted access while on-site with personnel from the New Jersey State Police and the Office of State Police Affairs.

Status

All documents requested by the monitoring team have been provided in a timely and well-organized manner. All data reviewed by the monitors have been kept in a fashion that allows retention, retrieval and assessment.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.55 Compliance with Task 122: State to File Routine Progress Reports

Task 122	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 122 stipulates that:

122. Between ninety (90) and one hundred twenty (120) days following entry of this Consent Decree and every seven 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.

Methodology

Members of the monitoring team have reviewed the State's submission filed by the State in response to this task. The report's format has been modified to a more readable and usable format.

Status

The report submitted by the State, in the opinion of the monitors, complies with the requirements of this task.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.56 Compliance with Task 123: State to Maintain all Necessary Records

Task 123	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 123 stipulates that:

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.

Methodology

Members of the monitoring team requested for review numerous documents, records, recordings and other information during the course of the team's site visit during March and April, 2006.

Status

All documents requested by the monitoring team have been provided in a timely and well-organized manner. All data reviewed by the monitors has been kept in a fashion that allows retention, retrieval and assessment.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.57 Compliance with Task 124: Unrestricted Access for the Department of Justice

Task 124	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 124 stipulates that:

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.

Methodology

Members of the monitoring team discussed the level of access provided by the State with Department of Justice personnel assigned to this case.

Status

The State remains in compliance with this task.

Compliance

Phase I:	In Compliance
Phase II:	In Compliance