OLEPS

OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS

Fifth Monitoring Report May 2013

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Executive Summary

OLEPS Fifth Monitoring Report utilizes revised monitoring standards developed in the previous reporting period to assess the New Jersey State Police (State Police). OLEPS now assesses and evaluates the State Police's adherence to its own policies and procedures and those mandates outlined in the Law Enforcement Professional Standards Act of 2009 (N.J.S.A. 52:17B-222, et. seq.) (the Act). Items referred to as "Tasks" in previous monitoring reports are now "Performance Standards."

This new format of assessment did not change OLEPS' review process; a sample of motor vehicle stops still underwent detailed review by OLEPS staff. Further, records and documentation from Field Operations, the Management Awareness Personnel Performance System (MAPPS), OPS, and the Training Bureau were also reviewed. OLEPS also reviewed data on management activities of the State Police, contained in the MAPPS. OLEPS also audited the State Police internal affairs process.

During this fifth reporting period, OLEPS reviewed and analyzed data from 526 motor vehicle stops and associated records of these stops to determine whether State Police activity was consistent with performance standards developed from the State Police's own policies and procedures. The major findings of this report include:

- There was no definitive evidence that the State Police was engaging in any race/ethnicity based decision making processes in this reporting period. Differences in enforcement activities are more likely the result of chance rather than purposeful behavior.
    - Overall, White drivers are more likely to be involved in all motor vehicle stops and as such, should also be more likely to be involved in all post-stop interactions in the current reporting period. However, Black drivers were more likely to be involved in stops with a canine deployment than other drivers. While the current review provided no clear evidence of biased based policing, OLEPS will continue to closely watch canine deployments and add additional analyses of the use of canines.
    - Based on discussions with the State Police and some observed patterns, OLEPS chose to specifically review motor vehicle stops with a PC consent to search request based on the odor of marijuana. The analyses did not find significant differences in the racial/ethnic distribution of this reason for a search.
    - While motor vehicle stops in this reporting period were lengthier than in the previous reporting period this increase is likely due to sample selection. The previous reporting period specifically included a sample of stops where a consent to search request was denied, while the current reporting period did not. Consequently, the current reporting period contains a fewer number of stops with a denied consent to search request and a larger proportion of stops where a consent to search request was granted.
- Consent to search forms continue to be missing or incomplete despite the policy in effect requiring that the forms be scanned. State Police should ensure that these forms are filled out appropriately and filed according to State Police policies.
- There were multiple motor vehicle stops involving canine deployments that were not conducted according to State Police policy requiring supervisory approval. There were three stops where a canine was used at the scene of a stop because the trooper handling the

canine was serving as back up. Even in these instances supervisory approval is still required to deploy a canine. State Police should reiterate its policy on canine deployments to troopers, ensure that these deployments are conducted correctly, and meet the appropriate evidentiary standards of either reasonable articulable suspicion or probable cause.

- During the review of stops, instances where the State Police deviate from policy and procedures are referred to as errors. The total number of errors noted in the current reporting period is much higher than in previous reporting periods. Further a slightly higher proportion of errors was not caught by the State Police. This report includes additional information on the types of errors caught and not caught. Generally, the State Police caught errors pertaining to recording and reporting of motor vehicle stops, but did not catch errors pertaining to consent to search requests, the majority of which referred to appropriate documentation of the search.

    - When an error is made during a motor vehicle stop, State Police are required to use an intervention to notify and correct the trooper's error. Generally, interventions are not used for errors caught during motor vehicle stops. State Police should use interventions. Future monitoring reports will include additional analyses on the use of interventions.

- Despite notice to State Police regarding the non-issuance of Miranda for several reporting periods, there still remains an issue. Consequently, OLEPS sixth reporting period will specifically examine motor vehicle stops with an arrest to gain more information on the use of Miranda.

- The MAPPS Audit indicated that not all training records were captured in MAPPS as required. Specifically, the results of training provided by a web-based platform were not stored in MAPPS. State Police should be diligent in monitoring training records until the issue can be rectified.

- Training Bureau activities for 2010 and 2011 were reviewed. OLEPS is concerned with the continued definition of problems by State Police as "training issues" despite the Training Bureau's repeated efforts to address these issues using various instructional methods of delivery. OLEPS recommends that State Police note the efforts taken to address such issues and recognize that supervisors cannot delegate their supervisory responsibilities by labeling recurring problems "training issues."

- Several instances were noted where troopers did not attend mandatory training. While the Training Bureau has the responsibility of delivering training, it is incumbent upon individual troopers to attend training and supervisors to ensure attendance. OLEPS recommends that the State Police adopt a progressive discipline policy for non-attendance at mandatory training.

- During this reporting period the policies and procedures surrounding the monitoring of training by non-Division entities were formally instituted. It is important that State Police continue to closely scrutinize training requests to ensure that the training comports to New Jersey State laws and State Police policies and procedures.

- For several reporting periods, OLEPS has commented on staffing levels in critical units of the State Police. Specifically, the MAPPS Unit, OPS, and the Training Bureau are understaffed

compared to the workload required of these units. Each of these units completes tasks specifically mandated by the Act. State Police should consider additional staff for these units.

In sum, the State Police adheres to its policies and procedures regarding trooper activities. While OLEPS did find some evidence of divergence from policy, the majority of troopers perform their duties as required. However, OLEPS has noted slightly more deviations from policy than in previous reporting periods and suggests that the State Police strengthen supervisory oversight to ensure that the Division continues to improve and self-assess. OLEPS anticipates that this and future monitoring reports will serve as a resource for the State Police and be used to identify any potential areas that require improvement.

FIFTH MONITORING REPORT OF THE NEW JERSEY STATE POLICE
OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS
JANUARY 1, 2011 TO DECEMBER 31, 2011

Introduction

Pursuant to the Law Enforcement Professional Standards Act of 2009 (N.J.S.A. 52:17B-222, et. seq.) (the Act), the Office of Law Enforcement Professional Standards (OLEPS) is required to publish biannual reports assessing the New Jersey State Police's (State Police) compliance with relevant performance standards and procedures. Dissolved in September 2009, the federal Consent Decree (the Decree) outlined procedures and policies for State Police to implement. Many of the reforms accomplished under the Decree have been codified in rules, regulations, policies, procedures, operating instructions, or the operating procedures of the organization. The monitoring reports, which formerly assessed compliance with the Decree, now reflect the State Police's adherence to these reforms. For a more detailed history concerning the Decree, see previous monitoring reports at www.nj.gov/oag/oleps.

This Fifth Monitoring Report reviews activities undertaken by the State Police between January 1, 2011 and December 31, 2011. This report represents the second full reporting period after the dissolution of the Decree and maintains the spirit of compliance with the Decree as discussed in previous monitoring reports. While substantively similar to the report under the Decree, OLEPS has implemented several changes to this report to better reflect the current policies, procedures, and practices of the State Police. The "Tasks" of previous monitoring reports are now known as "Performance Standards." Additionally, several tasks from the Decree may be encompassed by a single performance standard. OLEPS has revised these standards to reflect current practices of the State Police with the understanding that these standards will be updated as the policies and procedures of the organization evolve.

The methodology employed by OLEPS in developing this report and operational definitions of compliance are described in Part I of the report. Part II of the report describes the data and sample utilized for this reporting period. Part III, Assessment, includes the findings of OLEPS' monitoring process. Specific examples of behavior observed during the monitoring process are also noted. Within Part III, several chapters detail standards based on overall relevance to Field Operations, Supervisory Review, Management Awareness Personnel Performance System (MAPPS), Training, the Office of Professional Standards (OPS), and Oversight and Public Information requirements.

The methodology used to assess performance standards is outlined at the beginning of each Chapter. Chapter Six of the report, Summary, provides an overall assessment of the State's policies and any recommendations. Appendix One presents a listing of all previous monitoring reports, their date of publication, and the reporting period covered. Appendix Two summarizes the types of errors made by each station during the current reporting period. Appendix Three presents additional analyses relevant to Part III. Appendix Four lists definitions for commonly used abbreviations in this report. Finally, Appendix Five contains a map of the State Police's troops and stations.

PART I
MONITORING METHODOLOGY & PROCESS

Part I details the methodology used to assess the State Police. This methodology applies to all standards within this report (supplemental methodologies may also be listed for each standard). The bulk of the data utilized in this report pertain to field operations and activities occurring during motor vehicle stops.

All assessments of the State Police are data and policy review based, formed by a review of records and documents prepared in the normal course of business. No special reports prepared by the State Police were accepted as evidence of adherence to performance standards. Instead, OLEPS reviewed records created during the delivery or performance of tasks/activities.

OLEPS legislation (Act) requires the publication of two monitoring reports a year, which is traditionally handled by publishing reports covering two six month reporting periods. The Fifth Monitoring Report, however, will cover an entire calendar year, January 1, 2011- December 31, 2011.

Standards for Assessment

As of September 2009, the State Police were no longer subject to the Decree. The standards of 90% and 94% were originally created as a benchmark of achievement that once reached, would enable the dissolution of the Decree. Since these benchmarks are no longer applicable, OLEPS now assesses the State Police according to its own rules and procedures. Dissolution of the Decree was contingent upon the continued promulgation of those tasks outlined in the Decree and codified by the Act.

For the current report, the State Police are deemed to be functioning appropriately to the extent that the organization adheres to the policies and procedures set forth in the Act and the Division's own rules, regulations, policies, and instructions.

The text of the report will include a discussion of how many stops did and did not follow the required policies and procedures, how many errors were noted in a supervisory review, and how many errors generated a formal intervention.[1] OLEPS will discuss motor vehicle stop activity in the current reporting period and situate it in the context of past monitoring reports to determine changes in overall activity and adherence to State Police policies and procedures. OLEPS will continue to issue recommendations to the State Police based on observed events, especially where a pattern or practice of behavior is developing.

Supervisory review plays a prominent role in the monitoring of the State Police. Many of the tasks under the Decree dealt with supervisor responsibilities, accountability to supervisors, and a system to aid in supervision of all troopers (MAPPS). In light of this, OLEPS continues to monitor the State Police as the independent monitors did; by comparing the number of errors caught by supervisors to those caught by OLEPS. This allows OLEPS to assess the ability of the State Police to monitor itself through proper supervision, review, and documentation.

[1] The majority of errors do not generate a formal intervention. This issue was addressed with the State Police. This is the first reporting period in which the number of interventions will be assessed.

The Performance Standards listed in this report will evolve with State Police rules, regulations, policies, and organizational operating procedures. In this sense, the monitoring report should be seen as a living document that will evaluate the State Police in accordance with current policies and procedures. Through this report, OLEPS maintains its goal of assisting the State Police in self-assessment. As such, these monitoring reports should be used as a tool to supplement the State Police's own assessments and evaluations.

PART II
DATA & SAMPLE DESCRIPTION

To assess the State Police's performance, OLEPS examines State Police activity in a number of ways. Field Operations are monitored through a detailed review of a sample of motor vehicle stops. OLEPS also accesses State Police databases and records systems to find evidence of requirements and adherence to policies. OLEPS reviews policies and procedures for the State Police prior to implementation to ensure that they are appropriate, consistent with the Act, and adequately address any developments in constitutional law.

Field Operations

The State Police provided data to OLEPS, pursuant to specific data requests. Under no circumstances were the data selected by OLEPS based on provision of records of preference by personnel from the State Police. In every instance of the selection of samples, State Police personnel were provided lists requesting specific data or the data were collected directly by members of OLEPS.

The motor vehicle stop (MVS) data for this period, as with those for the previous report, were drawn exclusively from the universe of incidents that have post-stop activity. The data requested are based on requirements originally formed by the independent monitors. Updates have been made to the request to reflect any changes in State Police reporting procedures.

Data Requests

Each motor vehicle stop review includes the examination of several pieces of information, which were either provided by the State Police or obtained from State Police databases by OLEPS. This information included:

- All reports, records checks, and videos of stops.
- Logs for all trooper-initiated motor vehicle stop communications center call-ins for the stops selected, including time of completion of the stop and results of the stop.
- Copies of documentation, including supplemental reports created for all consent search requests, canine deployments, and incidents involving use of force that took place during a motor vehicle stop.

OLEPS was provided with all requested information (unless otherwise noted). The requested data were thus the same as previous reporting periods.

Types of Reviews

Report

A Report review (formerly Type I) involves examination of all available hard-copy and electronic documentation of an event. For example, a review could consist of reviewing the motor vehicle stop report (MVSR), associated records in the patrol log, a supporting consent to search form, and associated summonses or arrest records. Each post-stop event consisting of law enforcement procedures of interest to the Decree[2] was subjected to a structured analysis using a form initially developed by independent monitors and revised by OLEPS. Problems with the motor vehicle stop were noted and tallied using this form. These data were shared with the State Police. Clarifications were requested and received in instances in which there was doubt about the status of an event or supporting documentation. All 526 events were subject to Report reviews in this period.

Tape

A Tape review (formerly Type II) consisted of examining the associated video of a given motor vehicle stop. OLEPS compared the actions noted on the tape with the elements reported in the official documents related to the event. These data were collected and were shared with the State Police. Clarifications were requested and received in instances in which there was doubt about the status of an event or supporting documentation. A total of 483 Tape reviews were conducted this period. Members of OLEPS attempted to review available video recordings and associated documentation (stop reports, patrol charts, citations, arrest reports, DUI reports, etc.) for *all* [3] of the stops selected for review.

Sample

Historically, the independent monitors selected two samples of motor vehicle stop incidents for review. These samples consisted of all incidents deemed critical under the Decree[4] and a sample drawn on a rotating basis from two troops each reporting period. In this monitoring report, OLEPS again chose to utilize two samples of motor vehicle stops, however, they were not identical to the monitors' sample.

A sample of motor vehicle stops reviewed for this reporting period was selected from all motor vehicle stops made by the State Police from January 1, 2011 to December 31, 2011. Stops made by all troops and stations were eligible for selection. The sample is best described in two parts:

I. All stops deemed critical by the Decree
   - All RAS based consent searches
   - All canine deployments
   - All uses of force

II. Select probable cause (PC) based consent requests
   - Reason for the consent to search request is the odor of raw or burnt marijuana

[2] E.g., request for permission to search; conduct of a search; ordering occupants out of a vehicle; frisks of vehicle occupants; canine deployment; seizure of contraband; arrest of the occupants of the vehicle; or use of force.
[3] To the extent these recordings were available.
[4] Critical stops were those that included any of the following: consent to search requests based on reasonable articulable suspicion (RAS), canine deployments, and uses of force that occur during a motor vehicle stop.

A total of 526 motor vehicle stops were reviewed for this reporting period. Table One lists the activities involved in these motor vehicle stops. For this reporting period, OLEPS attempted to conduct Tape & Report reviews on all motor vehicle stops. Report reviews occurred in the instances where a tape was not available for review. There were a total of 43 motor vehicle stops that received a report only review while 483 received a review that included both reports and tape.

Table One: Incidents Reviewed

5th OLEPS Reporting Period

Type of Activity	Report Only Reviews	Tape & Report Reviews[5]
Total MVS Selected	43	483
MVS Involving Consent Search Requests (PC & RAS)	36	428
MVS Involving Canine Deployment	12	74
MVS Involving Use of Force	6	41
Probable Cause Searches of Vehicles	5	56

Table Two lists the number of incidents reviewed by station and the type of review received. In January 2011, the State Police combined Troops D and E to form Troop D Parkway and Troop D Turnpike. Technically then, Bass River, Bloomfield, and Holmdel[6] stations are part of Troop D. Because of this merger, Troop D makes up the highest number of motor vehicle stops reviewed, with 152 motor vehicle stops. Troop A had the second highest number of motor vehicle stops, 138 of reviewed stops were made by troopers in Troop A. As in the previous reporting period, Cranbury Station (Troop D) contributed the highest single total of any station to the sample, conducting 45 motor vehicle stops.

[5] Tape and report reviews for each type of activity total more than 526 due to the fact that most stops involved more than a single category of law enforcement activity.

[6] Despite this merger, the State Police retained the "E" station codes for Bass River, Bloomfield, and Holmdel stations, as seen in Table Two.

Table Two: Distribution of Events by Station

5th OLEPS Reporting Period

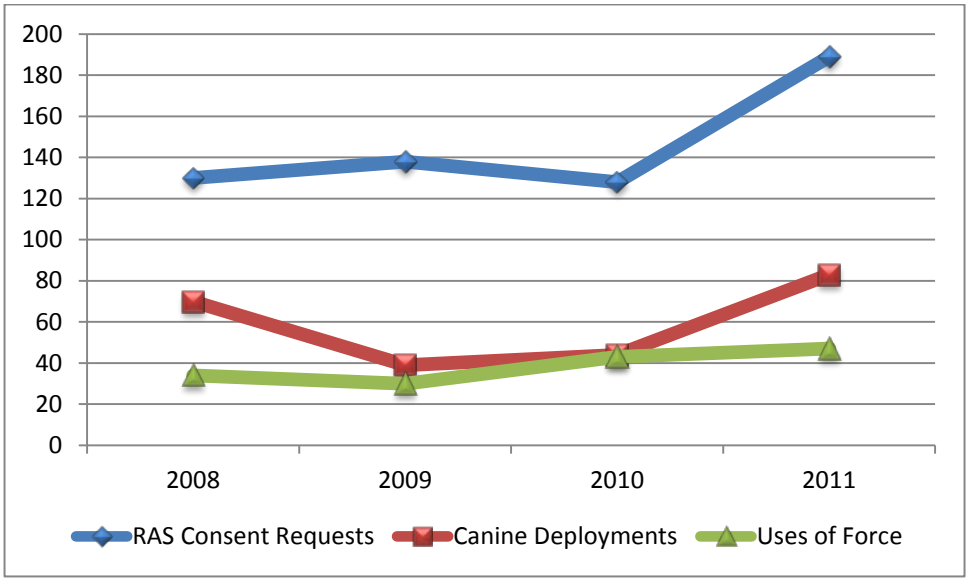
Station	Tape & Report Reviews	Report Reviews	Total Reviews
A040- Bridgeton	11		11
A050- Woodbine	15		15
A090- Buena Vista	13		13
A100- Port Norris	16	1	17
A140- Woodstown	19		19
A160- Atlantic City	24	3	27
A310- Bellmawr	36		36
B010- Metro North	2		2
B020- Hope	4		4
B050- Sussex	12		12
B060- Totowa	14	1	15
B080- Netcong	14		14
B110- Perryville	8		8
B130- Somerville	27	1	28
B150- Washington	8		8
C020- Bordentown	27	5	32
C040- Kingwood	4		4
C060- Hamilton	22	1	23
C080- Red Lion	14	1	15
C120- Tuckerton	14	5	19
D010- Cranbury	39	6	45
D020- Moorestown	29	2	31
D030- Newark	12	3	15
E030- Bass River	17	3	20
E040- Bloomfield	4		4
E050- Holmdel	34	3	37
Other	44	8	52
Total	483	43	526

Overall, the sample selected for the current reporting period is similar to the sample selected for the previous period. The total sample used here is smaller than the previous, but is comprised of similar events- RAS consent to search requests, canine deployments, uses of force, and PC consent to search requests.

Trends

For several reporting periods, OLEPS has tracked trends in the motor vehicle stops reviewed. Since OLEPS reviews all motor vehicle stops with RAS based consent to search requests, canine deployments, or uses of force, these numbers represent the actual volume of motor vehicle stops with these events[7]. Figure One depicts the annual trends in these events for 2008-2011. Overall, all three activities increased in this reporting period. Historically, the number of RAS consent requests has remained fairly stable, increasing slightly in 2009, but then dropping slightly in 2010. However, these events increased by about 47% in this reporting period. Similarly, the number of canine deployments increased dramatically this year. The number of canine deployments in this reporting period is higher than the number of deployments in 2008, the historical high for deployments. In 2010, there were 44 canine deployments conducted during a motor vehicle stop, while there were 83[8] during 2011. Uses of force have historically been uncommon in motor vehicle stops. The number of force incidents has increased slightly but steadily from 2009 to 2011.

Figure One: Annual Trends of RAS Consent Requests, Uses of Force, and Canine Deployments
2008-2011



The number of canine deployments in 2011 is nearly a 100% increase from the number in 2010. In 2010, there were actually 89 canine deployments, however, only 44 occurred during a motor vehicle stop. The majority of the remaining deployments occurred at a troop station. In 2011, there were 119 deployments, 83 of which occurred at the stop. Overall, there was an increase in the number of canine deployments, but the dramatic increase results from the number of canine deployments

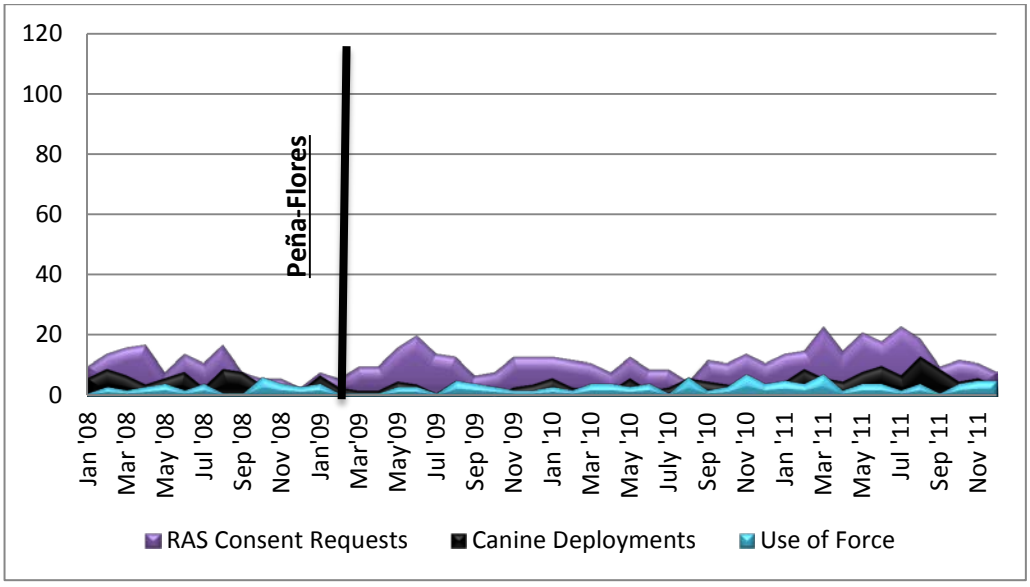
[7] OLEPS only reviews these events when they occur during a motor vehicle stop (i.e., time on the road only), prior to returning to the station. There are additional RAS consent to search requests, canine deployments and uses of force conducted by the State Police, but these occur outside of motor vehicle stops.
[8] Technically there are 86 uses of canines in this reporting period. However, three of these deployments were not officially requested per State Police policy and as such, are not considered true deployments. These three deployments will be discussed in Performance Standard 3.

conducted at the scene of a stop. Conversations with State Police suggested that troopers may utilize canines to bolster evidence. For example, when a trooper detects the odor of burnt or raw marijuana, they might request a canine deployment to confirm PC. If the trooper and the canine both identify marijuana, the standard becomes less subjective. Also, canine units are stationed throughout the State to facilitate response times. Since the dogs are at these stations, the troopers in these stations may be more inclined to call a canine, simply because they know the dog is nearby. Indeed, Cranbury station, where several canines are housed, had the most deployments in 2011.

OLEPS has noted monthly and bi-annual trends for the State Police. Specifically, the number of incidents occurring in the second half of the year is lower than the number occurring in the first half of the year. As such, examination of monthly trends is important. Figure Two presents the number of RAS consent requests, uses of force, and canine deployments for January 2008 through December 2011. These monthly trends also allow OLEPS to determine changes in the volume of these events in the time period following key events (e.g., State v. Peña-Flores, 198 N.J. 6 (2009)[9]). As seen in the graph, these enforcement activities are relatively infrequent in a given month and there is much variation from month to month. Figure One presented the annual totals for these activities which concealed these monthly fluctuations. The annual totals suggest that each activity increased over the year. However, in reality, the activities vary in each month of the year, and across years; the trends are not as linear as suggested by Figure One. The number of RAS consent to search requests is inconsistent from month to month. While these numbers do fluctuate each month, beginning in January 2011, there is a discernable increase in these events.

Figure Two: Motor Vehicle Stops with RAS Consent Requests, Canine Deployments, and Uses of Force

January 2008 – December 2011

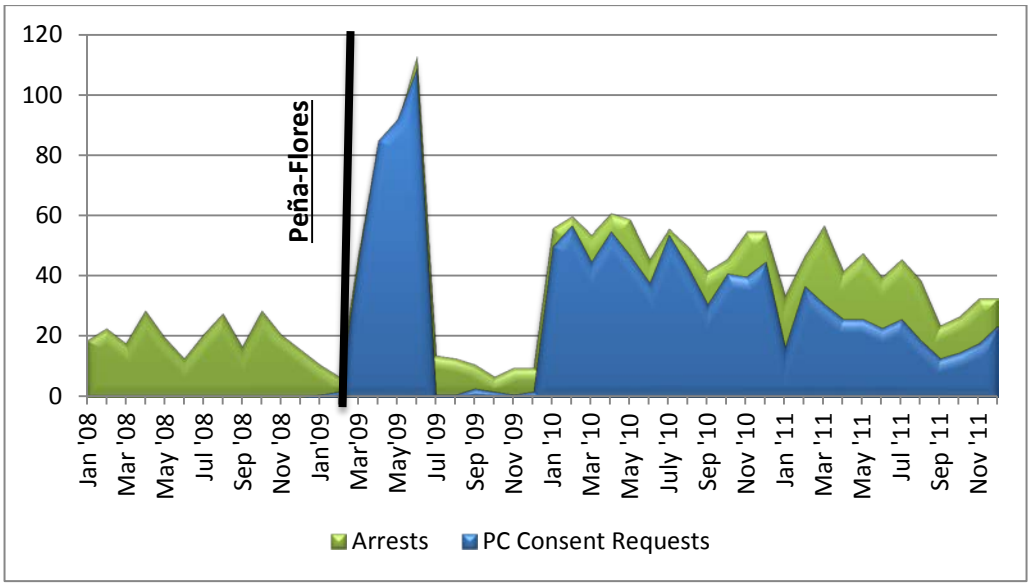


[9] State v. Peña-Flores, 198 N.J. 6 (2009), hereafter referred to as Peña-Flores, served to further define the exigent circumstances under which a search of a vehicle could be conducted without securing a search warrant under the automobile exception when there was probable cause to believe that a crime had been (or will be) committed.

For canine deployments and uses of force, no consistent trend appears other than inconsistency. The number of canine deployments and uses of force fluctuate each month. As with RAS consent to search requests, canine deployments show an increase in 2011.

Two other enforcement activities appear frequently in the stops selected for OLEPS review. These are PC consent to search requests and arrests. The total number of PC consent to search requests has increased dramatically following Peña-Flores. Figure Three depicts trends in the reviewed motor vehicle stops with PC consent requests and/or arrests. The numbers do not represent the total volume of PC consent requests and arrests, but rather, only those stops selected for review in which these events occurred. In actuality, there were about 2,400 PC consent searches in motor vehicle stops for 2011. The 275 PC consent requests represented in Figure Three for January-December 2011 only represent a small fraction of the total number of PC consent searches. An annual graph, similar to Figure One, is not presented for PC consent searches and arrests because the variation seen in these events in the monitoring reports is the result of the stops selected rather than variation in the actual use of such enforcement activities.

Figure Three: PC Consent Requests and Arrests
January 2008 – December 2011



Historical context is important to understanding Figure Three. In February 2009, the New Jersey Supreme Court issued the Peña-Flores decision. This decision restricted the ability of law enforcement to conduct searches covered under the automobile exception rule. The decision resulted in the State Police developing the practice of PC consent searches. Because the decision led to a dramatic change in the type of enforcement activities engaged in by the State Police, OLEPS altered its sample selection to include these new PC consent searches. For OLEPS' Second Monitoring Report, a sample of PC consent searches was reviewed. Due to time constraints, the sample selected for OLEPS' Third Monitoring Report did not include a sample of PC consent searches. During that reporting period, July 2009 to December 2009, OLEPS reviewed a dramatically lower number of arrests and virtually no PC consent searches. In the fourth and current reporting periods, OLEPS returned to reviewing an entire

sample of PC consent searches, but reviewed much smaller samples than in the second reporting period.

The number of PC consent searches and arrests appear to have declined since the previous reporting period. This is likely due to sample selection. While the current reporting period reviewed a specific subset of PC based consent searches, the previous reporting period contained a much higher number of motor vehicle stops, overall.

The number of motor vehicle stops with arrests mirrors the pattern of motor vehicle stops with PC consent searches. This is the result of State Police policy which requires troopers to arrest a motorist when they have probable cause prior to requesting consent to search.

OPS & Investigations

Evidence of OPS' compliance with State Police policies and procedures is assessed in an audit of OPS investigations. These audits are conducted twice a year by OLEPS investigators. OLEPS reviews a sample of misconduct cases and determines whether the case was handled properly and in accordance with OPS' policies and procedures. Because the details of these cases represent privileged and confidential information, this report includes only a general summary of the audit, rather than specifics of the cases in the audit.

Training

Functions performed by the Training Bureau are assessed on an annual basis as training occurs throughout an entire year. It is the responsibility of the Bureau to ensure that all troopers continue to receive quality training, including those troopers who rise to supervisory and managerial levels. It is also the Training Bureau's responsibility to identify training goals, identify measures to gauge goal performance, collect data, and determine where data fall on those measures. OLEPS oversees this process and will present an assessment of training for calendar years 2010 and 2011 in this report.

Management Awareness & Personnel Performance System

For tasks relating to MAPPS, OLEPS directly accesses MAPPS to ensure functionality. At various times during the review period, OLEPS checked to ensure that all relevant information was entered into the system. OLEPS also examined whether the State Police undertook appropriate risk management activities based on the information contained in MAPPS.

Oversight and Public Information

These standards generally refer to OLEPS' involvement with the State Police. OLEPS will provide discussion of these standards based on interactions with the State Police throughout the monitoring process.

PART III
ASSESSMENT OF NEW JERSEY STATE POLICE

Part III of this monitoring report assesses the State Police on Performance Standards created from State Police practices and operating procedures. These standards are broken out according to the following subgroups:

- Field Operations
- Supervisory Review
- OPS and Investigations
- Training
- MAPPS
- Oversight and Public Information

Field Operations

The standards in this section refer to the day-to-day operations and procedures to which the State Police is to adhere. Each standard is presented followed by a description of the analysis and/or research conducted to assess the State Police.

Assessment Process

OLEPS assesses Field Operations by reviewing a sample of motor vehicle stops. This review includes an examination of all reports and documentation of the stop. Videos of stops are reviewed for those selected to receive tape reviews. OLEPS' staff examines the facts and circumstances of the stop to determine whether the State Police acted appropriately and consistently with the State Police's requirements for motor vehicle stops. Instances where troopers behave in a manner inconsistent with these requirements are noted and checked to ensure that State Police supervisory review also noted these errors. All information is recorded in OLEPS' Motor Vehicle Stop Assessment form, which is then entered into a database for statistical analysis. This assessment form was initially developed by the independent monitors and subsequently revised by OLEPS according to the development of the law and any observed patterns of performance.

Performance Standard 1: Race may not be considered except in B.O.L.O.

Standard

The requirements for this performance standard are taken directly from the language of the Decree, though several State Police policies and procedures reference the prohibition of race/ethnicity based decision making.

> *Except in the suspect-specific B.O.L.O. ("be on the lookout") situations, state troopers are strictly prohibited from considering the race or national or ethnic origin of civilian drivers or passengers in any fashion and to any degree 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.*

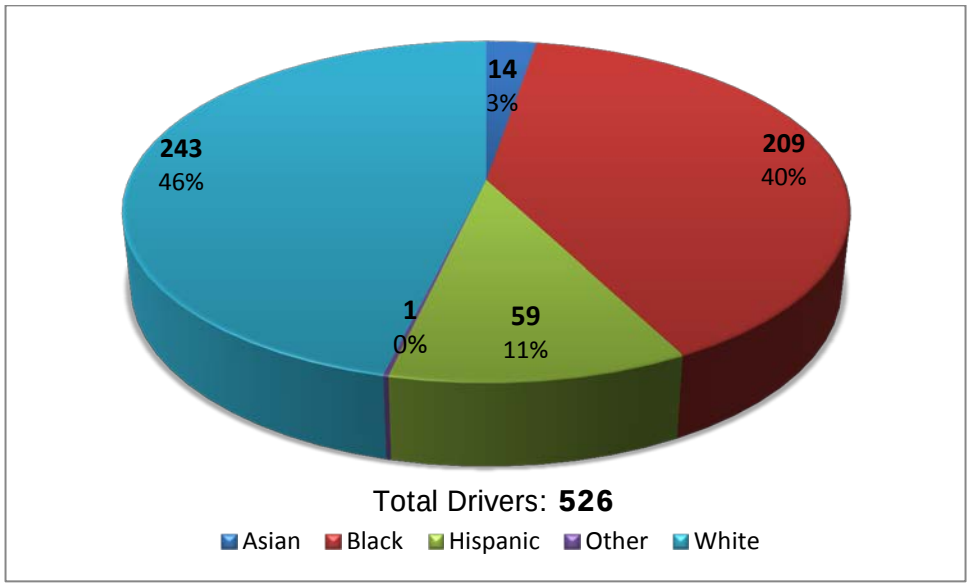
This standard will also examine the potential effect of trooper discretion on racial/ethnic differences in stops and enforcement activities.

Racial/Ethnic Differences

All Motor Vehicle Stops

All 526 of the stops sampled for this reporting period involved some form of a post-stop interaction (e.g., a consent to search request, canine deployment, or use of force), but not all stops contained all post-stop activities. Figure Four presents the racial/ethnic breakdown of all stops in the current sample. These numbers do not reflect the racial and ethnic distribution of all drivers stopped by the State Police. Rather, they reflect the racial and ethnic distribution of drivers who were involved in the stops selected for review.

Figure Four: Race/Ethnicity of Drivers
5th OLEPS Reporting Period



In the current reporting period, there were more stops with White drivers than any other racial/ethnic group. There were 243 (46%) drivers in this sample who were White, 209 (40%) who were Black, 59 (11%) who were Hispanic, 14 (3%) who were Asian[10], and one (0%) who was identified as "Other." The majority of trooper-citizen interactions in this reporting period appeared to be with White or Black drivers.

[10]The State Police abide by two racial/ethnic group categorizations depending on the intended recipient of data. For example, data intended for publication in the Uniform Crime Report or data utilizing these categorizations use White, Black, Hispanic, Asian, American Indian, and Other categorizations. However, data compiled for non-UCR purposes utilizes the categories of White, Black, Hispanic, Asian Indian, Other Asian, American Indian, and Other. Because the categories of Asian Indian and Other Asian are not uniformly utilized by the State Police, and because the data utilized in this report come from multiple sources, OLEPS had decided to use the category of Asian rather than separate categories for Asian Indian and Other Asian.

This overall racial/ethnic distribution will be compared to the racial/ethnic distribution of several types of post-stop interactions to determine whether any potential bias exists in terms of which drivers receive certain enforcements.

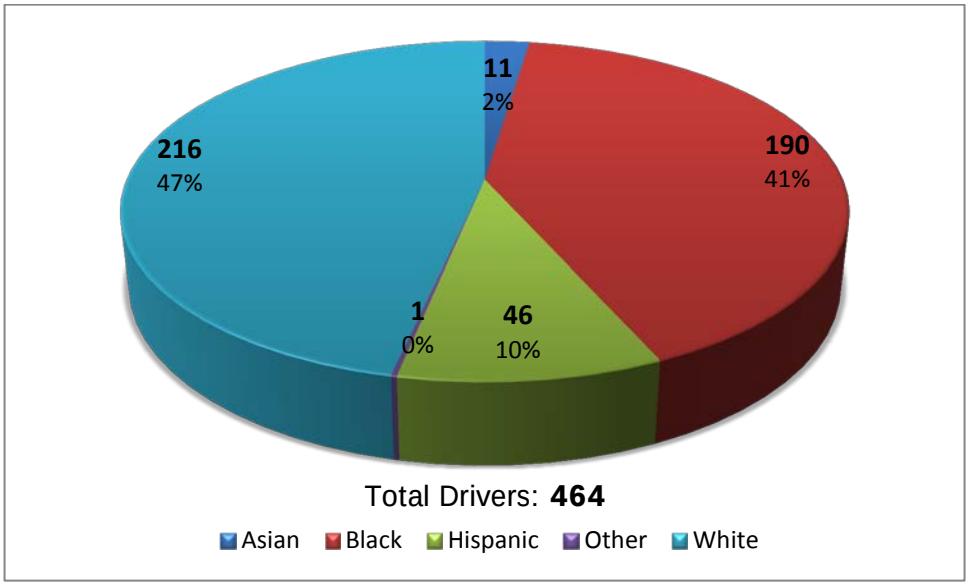
Consent Requests

Figure Five depicts the total number of stops, by race of driver, where consent to search was requested in the overall sample of 526 motor vehicle stops. This Figure represents all consent requests: PC based; RAS based; those that were granted; and those that were denied. White drivers made up the highest number and percentage of stops with consent requests with 216 or 47% of all requests made. Black drivers made up the second highest portion, 190 stops with requests or 41%. Hispanic drivers were asked for consent to search in 46 stops or 10% of the overall sample. Finally, Asian drivers were involved in 11 (2%) stops with consent requests while drivers listed as "Other" were only in one stop with a consent request.

The proportion of consent requests by race and ethnicity is nearly identical to the racial/ethnic proportion of all motor vehicle stops. The racial/ethnic distribution of consent requests does not appear skewed in any direction that could indicate potential racial/ethnic bias.

Figure Five: Consent Requests by Race/Ethnicity of Driver

5th OLEPS Reporting Period



Chi-square analysis (Appendix Three, Table One) was conducted to determine whether there were significant differences in the racial/ethnic distribution of consent to search requests. The analysis yielded a chi-square (x^2) value of 7.63 with a p- value of .022. Chi-square analysis was based on White, Black, and Hispanic drivers, as including the categories of Asians and Other rendered the results invalid. While there are more consent requests made of White drivers, a function of the fact that there are more White drivers in the sample, 90% of all Black drivers were asked for consent to

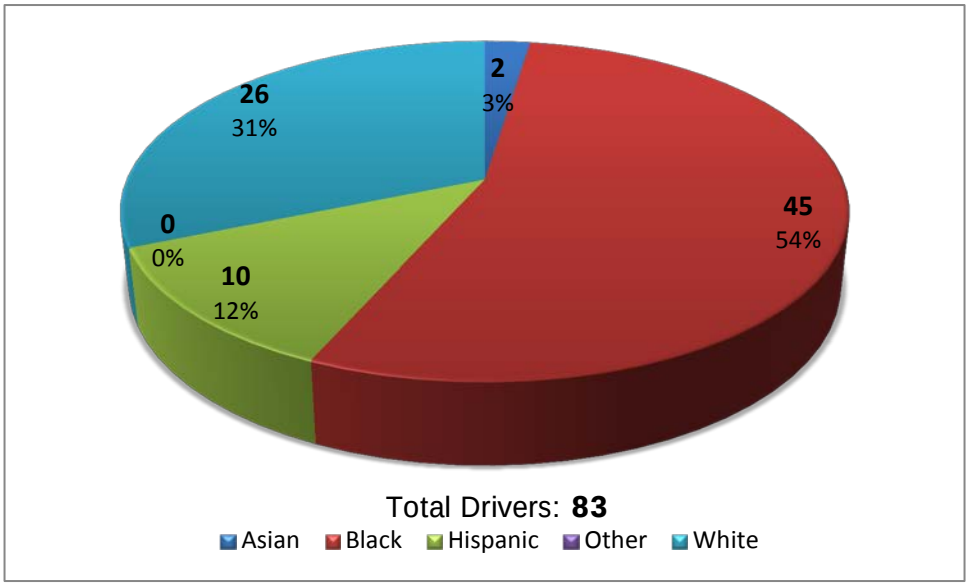
search while only 88% of White drivers were asked. Thus, there were more consent requests made of white drivers, but a slightly higher proportion of Black drivers were asked for consent to search.

In analyses not shown, chi-square analysis was used to determine if the racial/ethnic distribution of the type of consent request- RAS or PC- was significant. The results (available upon request) do not indicate a significant difference between White drivers and non-White drivers. While there are significant differences between Whites, Blacks, and Hispanic drivers in terms of having a consent request made, there are no differences in the type of consent to search requests made.

Canine Deployments

In the current reporting period there were 83 canine deployments, more than the number of deployments in the fourth reporting period. Figure Six depicts the number and percentage of canine deployments by race and ethnicity of the driver. Black drivers make up the largest portion of motor vehicle stops with canine deployments. In total, 45 deployments (54%) occurred in motor vehicle stops with Black drivers. In contrast, only 26 (31%) of all canine deployments occurred in stops with White drivers, despite White drivers composing a higher number of all motor vehicle stops. Hispanic drivers were involved in only ten stops where a canine was deployed and Asian drivers had only two stops with a canine deployment.

Figure Six: Canine Deployments by Race/Ethnicity of Driver
5th OLEPS Reporting Period



This overall pattern is consistent with the previous reporting period; Black drivers made up the highest number and percentage of deployments, while White and Hispanic drivers made up a much smaller portion of these events. However, the proportion of deployments made during stops with Black drivers increased slightly in the current reporting period. White drivers made up 46% of all stops, yet, only 31% of motor vehicle stops with canine deployments. Black drivers made up 40% of all stops and 54% of canine deployments. This means that Black drivers received more canine deployments than

other groups- more than their proportion of all motor vehicle stops. Further analysis is needed to determine whether this difference is significant or could result from chance.

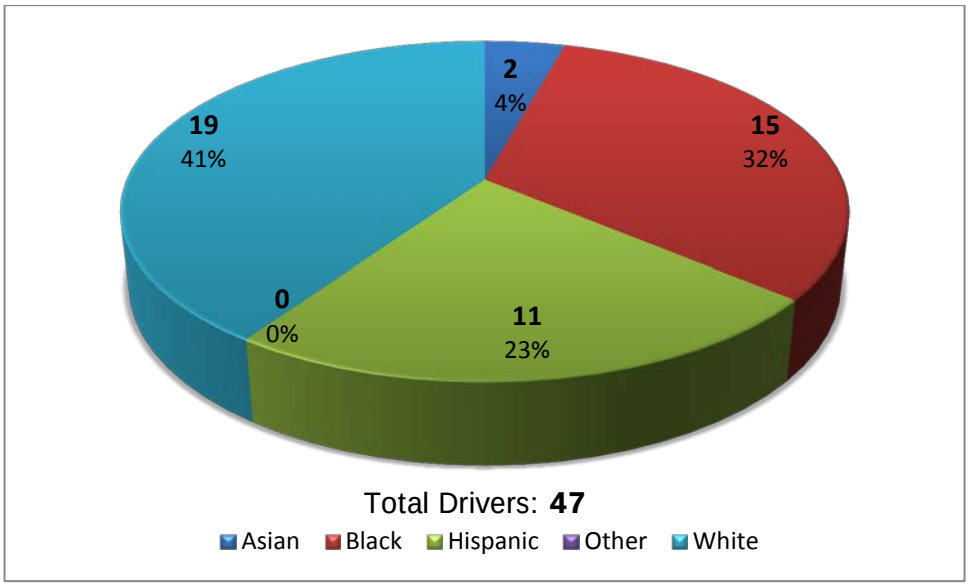
Chi-square analysis resulted in a x^2 value of 8.43 and was conducted using only White, Black, and Hispanic drivers. The analysis revealed that the racial/ethnic distribution of canine deployments is statistically significant ($p<.01$). Unlike the last reporting period, the distribution of canine deployments is not equal across racial/ethnic groups. Black drivers, overall, have a significantly higher number of canine deployments than White or Hispanic drivers.

Uses of Force

Figure Seven presents the racial/ethnic distribution of uses of force in 2011. In total, there were 47 uses of force, slightly more than in the fourth reporting period. Of the uses of force, 19 (41%) were in stops with White drivers, 15 (32%) involved Black drivers, 11 (23%) involved Hispanic drivers, and 2 (4%) involved Asian drivers. There were no uses of force in stops with "Other" drivers. This racial/ethnic distribution of force is different from the distribution of the third and fourth reporting periods, where the majority (more than 50%) of force incidents involved White drivers.

Compared to the percentages for all motor vehicle stops, the percentage of uses of force are slightly different. White drivers were involved in only 41% of all uses of force but 46% of all motor vehicle stops. Hispanic drivers accounted for about a quarter of all uses of force and only about 10% of all motor vehicle stops. Black drivers make up a slightly smaller percentage, 32%, of uses of force than they do all motor vehicle stops, 40%. It appears, then, that Hispanic drivers may be disproportionately involved in uses of force. Statistical analyses are needed to determine whether these differences result from chance or directed behavior.

Figure Seven: Uses of Force by Race/Ethnicity of Driver
5th OLEPS Reporting Period



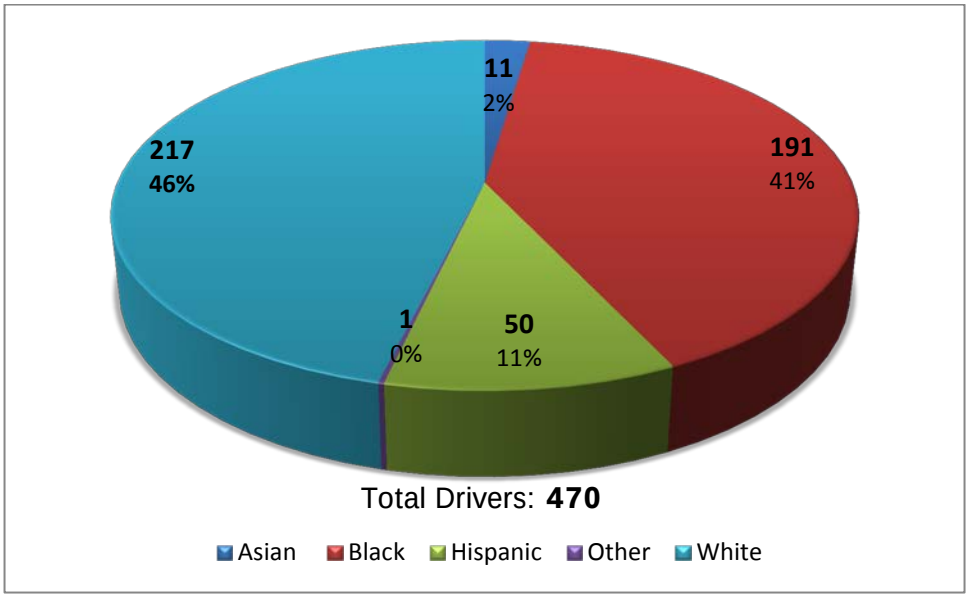
Chi-square analysis indicates a x^2 value of 8.096 and that this distribution is statistically significant, (p<.01) at the .05 level, indicating that the differences are not attributable to chance. The differences in the number of force incidents between White, Black, and Hispanic drivers are significant; White drivers were involved in the most motor vehicle stops where force was used. Since 2009, the number of force incidents has increased each year. While this increase may have been the result of increases in motor vehicle stops overall, there were actually fewer stops made in 2011 than in 2010. As in the previous monitoring reports, OLEPS recommends continued examination of the racial/ethnic distribution of uses of force, as this distribution has shifted in this reporting period, and examination of the total number of uses of force during motor vehicle stops, as they have increased in the current reporting period.

Arrests

Figure Eight depicts the racial/ethnic distribution of motor vehicle stops in which an arrest was made. Overall, the sampled stops in this reporting period contained many fewer arrests than the previous reporting period. In this reporting period, there were only 470 motor vehicle stops where an occupant was arrested, compared to 682 in the previous reporting period. Despite the much smaller number of arrests made during the stops sampled in this reporting period, the racial/ethnic distribution remains similar to that of the fourth reporting period. Again, White drivers have the highest number with 217 (46%) stops with an arrest. Black drivers were involved in 191 (41%) stops where an arrest was made. Hispanic drivers were involved in 50 (11%) stops where an arrest was made. Asians were involved in 11 (2%) stops where an arrest was made. "Other" drivers were involved in one (0%) stop where an arrest was made.

Compared to the overall racial/ethnic distribution, the distribution of arrests presents no obvious issues of potential bias. The percentages for each racial/ethnic group are roughly the same for all stops and arrests.

Figure Eight: Arrests by Race/Ethnicity of Driver
5th OLEPS Reporting Period



Chi-Square analysis was conducted to determine whether any significant differences exist in the racial/ethnic distribution of arrests. The analysis presents arrest versus no arrest for White, Black, and Hispanic drivers only and yielded a *p*-value of .327; there is no significant difference between arrests of White, Black, or Hispanic drivers.

The Role of Discretion

Discretion is vital to a police organization. It allows troopers to determine on which legal transgressions to focus their time and energy. Discretion is based, at least partly, in the context of situations- what facts and circumstances make a transgression more egregious or less egregious- and trooper experiences- what transgressions have been found to be indicators of larger problems or issues in their past.

OLEPS has historically examined how discretion impacts the racial/ethnic distribution of motor vehicle stops. Traditionally, OLEPS classified motor vehicle stop reasons as high, median, or low discretion. However, OLEPS recognizes, and agrees with the State Police, that all reasons represent a violation of the law, and as such should all technically be viewed as low discretion. In light of this, discussions of discretion will no longer be based on the categories utilized in previous reports. This report will present a discussion of racial and ethnic differences in the most common stop reasons. The possibility of differences in discretion may be discussed, but there will be no categorization of a reason as a specific level of discretion.

In order to determine whether race/ethnicity based decision making is being employed, highly discretionary tasks need to be reviewed to see if similarly situated individuals (regardless of race and ethnicity) are being treated similarly. To do this, a discretionary model of policing is used.

Constructing the model of discretionary policing is straightforward. The following outlines the steps in determining how race, ethnicity, and discretion interact.

Identify routine police tasks subject to potential abuse.

These activities are the outcome variables. To the extent that individual drivers are treated differently, any disparity in treatment will come within or among these variables. For example, if White drivers were treated more leniently, we would see lower levels of some outcomes. For the current reporting period, the tasks examined will only be the decision to stop, the decision to request consent, to request a canine deployment, or to arrest.

Identify and define the levels of discretion associated with each of the critical police tasks and their respective sub-elements.

The variables leading to execution of outcome variables (stops or enforcement activities) is what can be referred to as the reasons for the stop or activity. These are considered input variables. They are the actions that give rise to the use of law enforcement powers and can be classified as more or less discretionary. Less discretionary activities are those that will almost always result in a law enforcement response if they are observed by the police. More discretionary events usually result in a law enforcement response if they are observed by the police.

Identify the critical decision point associated with each level of discretion.

The critical decision point is the point at which enforcement is chosen for a highly discretionary violation or activity. If discretion will be abused to any significant degree, it will be in areas of enforcement in which high levels of discretion are present.

Define abuse of discretion.

Law enforcement discretion is abused when it is used differently in relation to protected classes such as race and ethnicity. If both input (reason for the stop or activity) and outcome (e.g., consent to search, arrest) variables indicate higher rates for a given race or ethnicity, a strong case could be made for the presence of an abuse of discretionary powers on the part of the enforcing agent.

Test for abuse of discretion.

If there is no abuse of discretion, there would be no statistical difference in stop rates of drivers sampled this reporting period (by race or ethnicity), especially for highly discretionary violations. There would also be no difference in outcome variables (stop, detention, warning, citation, release, frisk, arrest, search, use of force, and seizure) by race and ethnicity for these highly discretionary violations after controlling for intervening variables (lack of identification, proof of ownership, etc.)

During OLEPS' assessment of motor vehicle stops, the reason for a motor vehicle stop is recorded by investigators, as given by the primary trooper of the stop. These reasons are myriad and as such, have been categorized to facilitate analysis. Any mention of "Speeding" is classified as "Rate of Speed." "Failure to Maintain Lane" is self-evident. The category of "Seat Belt" represents any mention of a seat belt violation. "Equipment Violations" is a catchall category of any violation referring to the vehicle itself rather than what the driver is doing with the vehicle. These include non-functioning lights (head or break), cracked or broken glass, inappropriate window tint, failure to make repairs, or other issues pertaining to the vehicle. The category of "Safety Violations" is another catchall category. It is comprised of violations that may impact the safety of that individual motorist or other motorists and includes: violation of road laws such as stop signs, impeding traffic, delaying traffic, running a red light, obstructed views, or aggressive, careless, or reckless driving. Finally, the category of "Failure to Signal/Improper Lane Change" includes any instance where a trooper cited the reason as the driver failed to use a turn signal or made an unsafe lane change.

Table Three presents the five most common reasons for motor vehicle stops for the current and past three reporting periods. Consistent with analysis conducted by the State Police, the most common reasons rarely change dramatically. Generally, the common reasons are some combination of rates of speed, failure to maintain lane, equipment violations, safety violations and one other reason (seat belts or failure to signal/improper lane change). The total percentage of all violations for each violation category is also included in the table. Generally, the top five reasons for motor vehicle stops account for over 65% of all the stops in the reporting period.

For all three reporting periods, rate of speed is the most commonly cited violation in the reason for a motor vehicle stop. Theoretically, these violations occur for any act of speeding; they can vary from 1 M.P.H. over the speed limit to any M.P.H. over the speed limit. In previous reports, a distinction would be made regarding how much over the speed limit the driver was driving. However, that is no longer being done in this report. Troopers are required to pull drivers over who may be violating the law.

Table Three: Top Reasons for Trooper Initiated Motor Vehicle Stops
2nd, 3rd, 4th, & 5th OLEPS Reporting Periods

2nd OLEPS Reporting Period		3rd OLEPS Reporting Period		4th OLEPS Reporting Period		5th OLEPS Reporting Period	
	%		%		%		%
Rate of Speed	31.7	Rate of Speed	16.8	Rate of Speed	25.2	Rate of Speed	22.4
Failure to Maintain Lane	20.7	Safety Violations	16.8	Failure to Maintain Lane	20.0	Failure to Maintain Lane	22.0
Seat Belt	7.4	Failure to Maintain Lane	15.7	Equipment Violations	11.4	Equipment Violations	12.3
Equipment Violations	6.0	Failure to Signal/ Improper Lane Change	9.4	Safety Violations	8.1	Safety Violations	12.0
Safety Violations	4.8	Equipment Violations	7.3	Failure to Signal/ Improper Lane Change	6.1	Failure to Signal/ Improper Lane Change	9.3
Total %:	**71.5**	**Total %:**	**66.3**	**Total %:**	**70.8**	**Total %:**	**78.0**

Motorist Aids/Motorist Accidents that turn into a motor vehicle stop are actually a common occurrence, more so than other reasons listed in Table Three. These instances do not represent a trooper's decision to stop a vehicle and as such are not included in the above table. Instead, aids and accidents represent a trooper's public service requirement to assist motorists should they need help.

All Motor Vehicle Stops

The most common stop reasons for the current reporting period are presented based on race/ethnicity in Table Four[11]. The table only presents information for White, Black, and Hispanic drivers since there were only 10 Asian drivers and one Other driver who were stopped for these reasons. Generally, the racial/ethnic distribution of reasons for stop is similar to the overall distribution of motor vehicle stop reasons, with rate of speed and failure to maintain lane being the two most common reasons for White and Black drivers and equipment violations and rate of speed as the most common for Hispanic drivers. The most common reason for a motor vehicle stop was Rate of Speed for Black, Hispanic, and Asian (not shown) drivers. White drivers, however, were most commonly stopped for Failure to Maintain Lane. Through years of patrolling, drivers who cannot maintain a lane may be presumed to be under the influence of drugs and/or alcohol. Equipment Violations make up a much smaller percentage of stops for White drivers, about 13%, than for Black and Hispanic drivers, closer to 20% and 25%, respectively. This is consistent with the State Police's own analysis, which finds that Equipment Violations are a very common stop reason among Hispanic motorists.

[11] The top five reasons for stops were cited in 335 of 526 motor vehicle stops. Table Four only presents the stops where the most common reasons were cited, not all stops. For example, the total listed for White drivers is 151, which represents the number of stops with White drivers where one of these reasons was cited, not the total number of stops with White drivers (which is 243).

While there do appear to be differences, albeit small, among the racial/ethnic distribution of motor vehicle stop reasons, additional analysis is needed to determine whether these reasons are significant.

Table Four: All Stops by Race/Ethnicity of Driver and Level of Discretion
5th OLEPS Reporting Period

	White	Black	Hispanic
	(% of Total Stops)	(% of Total Stops)	(% of Total Stops)
Rate of Speed	46	48	11
	(30.46%)	(33.80%)	(35.48%)
Failure to	63	35	7
Maintain Lane	(41.72%)	(24.65%)	(22.58%)
Equipment Violations	21	26	8
	(13.91%)	(18.31%)	(25.81%)
Safety Violations	8	15	2
	(5.30%)	(10.56%)	(6.45%)
Failure to Signal/ Improper Lane Change	13	18	3
	(8.61%)	(12.68%)	(9.68%)
Total	**151**	**142**	**31**

Chi-Square analysis was conducted to determine whether there were any significant racial/ethnic differences in the most common reasons for motor vehicle stops. Due to invalid cells, the analysis was conducted based on White v. non-White drivers. The analysis did reveal a significant difference, ($p<.01$) with a x^2 value of 14.22. Differences in the distribution of stop reasons are not likely due to chance. Non-White drivers appear more likely to be stopped for speeding, equipment violations, safety violations, and failure to signal while White drivers appear more likely to be stopped for failure to maintain lane.

Consent Search Requests

Discretion can also be examined in post-stop activities. RAS, as a legal standard, is less strict than PC, which suggests that the potential for individual trooper discretion does exist in RAS more than in PC. Since post-stop enforcements arise out of the circumstances and facts occurring after a vehicle is stopped, it is inappropriate to examine how the discretion in the reason for a stop relates to a post-stop enforcement. Instead, differences among the PC and RAS legal standards will be explored for consent requests and canine deployments.

The tables below present the racial/ethnic distribution of types of consent to search requests- RAS or PC. Each table presents the number of drivers of each race and ethnicity that received the outcome of interest and the level of discretion that was used. The mean column indicates the arithmetic average of the stops for each racial/ethnic group. Since the standard involving a lower level of discretion, probable cause, is assigned a value of two, higher scores actually indicate the use of less discretion. RAS consents/deployments are assigned a value of one. A mean closer to one indicates that, on average, more enforcements are based on a more discretionary standard for that racial/ethnic group. When this

mean is used in conjunction with the chi-square statistics, which shows whether the differences are due to chance, the existence and direction of potential bias can be determined.

The majority of consent requests reviewed in the current sample were based on PC, as seen in Table Five. There were 275 stops that involved a PC consent while only 189 stops contained an RAS consent. Because there are so many PC consents, naturally the majority of consents for each race/ethnicity are PC based, with the exception of Hispanic drivers. Hispanic drivers were involved in only two more PC consent to search requests than RAS consent to search requests.

Table Five: Consent Requests by Race/Ethnicity of Driver and Legal Standard
5th OLEPS Reporting Period

Race/Ethnicity	Reasonable Articulable Suspicion	Probable Cause	Mean
	(1)	(2)	
White	88	128	1.59
Black	75	115	1.60
Hispanic	22	24	1.52
Asian	4	7	1.63
Other	0	1	2.00
Total	189	275	1.59

Chi-square analysis was used to determine whether there were any significant differences in the racial/ethnic distribution of the legal standards used in consent requests. The analysis revealed a significant difference ($p<.05$) among White, Black, and Hispanic drivers and the legal standard used to request consent. The pattern observed is unlikely to be due to chance; all drivers are more likely to be asked for consent to search based on PC than on RAS. This is likely due to the fact that the majority of consent requests in this reporting period were PC based. Obviously, the nearly five times more PC requests will be significantly different from RAS requests.

The mean values in Table Five, in conjunction with the chi-square results can further explain these significant differences. First, for White drivers, the mean value is 1.59, slightly closer to the value of two, which is assigned to PC, than it is to the value for RAS. This means that White drivers are more often receiving consent requests based on PC than RAS. For Black drivers, the mean value is 1.60, again closer to PC. Black drivers then, are also more frequently receiving PC searches rather than RAS. Finally, the mean for Hispanic drivers is 1.52, again closer to PC than RAS, but the lowest value thus far. Hispanic drivers have a slightly higher proportion of RAS consent searches than Whites and Blacks. Overall, as indicated by the individual group means and the overall mean, the direction of the significant difference is toward PC rather than RAS consent requests; the majority of consent requests in the sample are based on PC. The distribution of racial/ethnic groups is not equal across legal standards; the majority of consent to search requests are PC not RAS.

Variation Among RAS Consent Requests

While RAS may involve more discretion than PC consent requests, there is variation in discretion within categories of RAS. The reasons for a RAS consent request can be described as intangible, tangible, or probative. Intangible reasons are observations such as nervousness, failure to make eye contact, uncertainty in answers, and conflicting statements. Tangible reasons include the existence of air fresheners, modifications to vehicle interiors, "boost" cell phones, etc. Probative reasons include artifacts of gang membership (such as tattoos, admitted membership), odor of burnt or raw marijuana in the vehicle, admissions against self-interest, and criminal histories related to a tangible crime. In most incidents, there were more than one type of reason for requesting consent; however, probative reasons are recorded if given, regardless of other reasons stated. If the table lists an intangible reason, those are instances in which only intangible reasons were given. If a stop had tangible reasons articulated and probative reasons, these are recorded as probative. Thus, the higher numbers for probative reasons do not reflect that *only* probative reasons were given but rather that all incidents with tangible reasons articulated also had probative reasons given and are displayed in the probative column only.

Table Six: Reason for RAS Consent Requests by Race/Ethnicity of Driver[12]

5th OLEPS Reporting Period

Race/Ethnicity	Intangible	Tangible	Probative	Mean
	(1)	(2)	(3)	
White	2	5	78	2.89
Black	2	0	72	2.94
Hispanic	3	0	19	2.72
Asian	1	0	3	2.50
Total	8	5	172	2.88

Consistent with previous reporting periods, the most common reasons for RAS consent requests are probative reasons. In 172 stops with RAS requests, there was at least one probative reason cited. There were five requests based solely on tangible reasons, and eight requests based solely on intangible reasons. This pattern is consistent with the previous two reporting periods; the majority of RAS consent requests are based on probative reasons. However, there are slightly more consent requests based on intangible and tangible reasons in this reporting period. All mean values are closer to a value of three, indicating probative reasons. Black drivers have the highest mean value, followed by White drivers, Hispanic drivers, and finally, Asian drivers.

Chi-square analysis was conducted to determine if the racial/ethnic differences in reasons for RAS requests are statistically significant. The results indicate that any observed differences are significant, but the results are not valid. There is not a large enough amount of variation among the reasons. Overwhelmingly, probative reasons are cited. The instances where only intangible or tangible reasons are cited are so few, that there are no discernable differences among reasons based on race and ethnicity.

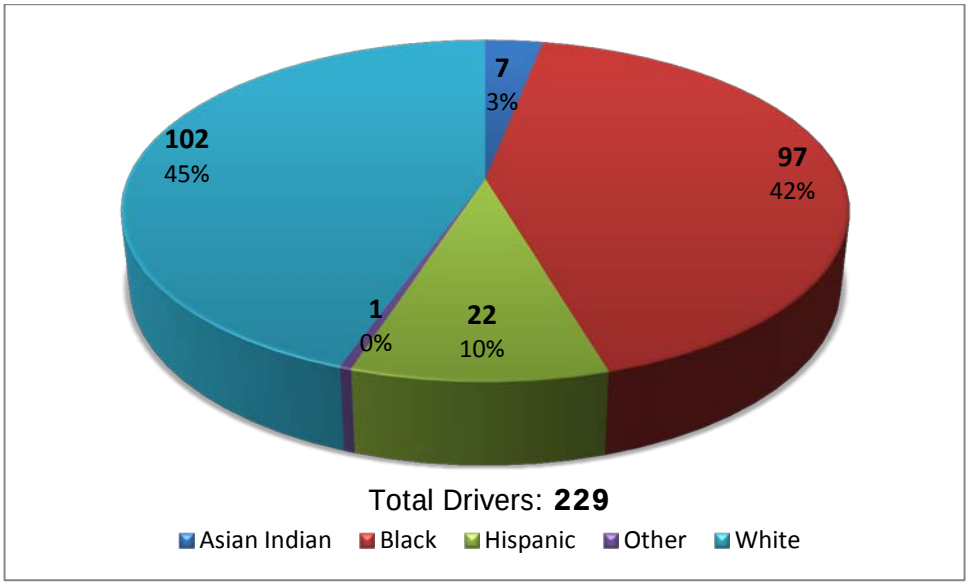
[12] There were four consent to search requests based on RAS where the only reasons listed were "Other". Because "other" cannot be clearly defined as intangible, tangible, or probative, these four stops were removed from Table Six.

Odor of Marijuana

Discussions with the State Police have highlighted a potential for disparate treatment in the area of consent to search requests. The odor of marijuana is a PC standard that allows a trooper to request consent to search. However, the standard is somewhat subjective, relying on the trooper's determination of the odor. Because of this, OLEPS has selected a purposive sample of stops where the odor of marijuana is cited as a reason for PC. Additionally, the State Police have recognized that minority drivers are disproportionately involved in stops where the odor of marijuana is detected. Because State Police policy permits immediate arrest upon the odor of marijuana, the use of this reason deserves more attention.

In the current reporting period, there were 229 motor vehicle stops where the odor of marijuana was cited as a reason for PC. There were 102 (45%) stops with a White driver, 97 (42%) stops with a Black driver, 22 (10%) stops with a Hispanic driver, 7 (3%) stops with an Asian driver, and 1 with a driver classified as "other" where the odor of marijuana was cited. Compared to the overall racial/ethnic distribution of stops, these numbers and percentages are not far off. White and Hispanic drivers are slightly underrepresented and Black drivers are slightly overrepresented in the portion of stops with a consent based on the odor of marijuana.

Figure Nine: Odor of Marijuana by Race/Ethnicity of Driver
5th OLEPS Reporting Period



Chi-square analysis was employed to determine whether the observed differences in the odor of marijuana were statistically significant. The test did not reveal significant results; the number of odor of marijuana consent to search requests is not significantly different among White, Black, and Hispanic drivers. The difference between White and Black drivers is only five stops. Given the small difference, the expectation was not that there would be a significant difference.

Despite the non-significant difference, OLEPS recommends that the State Police continue their analysis of stops with consent searches based on the odor of marijuana.

Canine Deployments

Racial/ethnic variation among the legal standard used to deploy canines was also examined. Table Seven reveals that the majority of the 83 canine deployments are based on RAS rather than PC. This is expected since State Police policy allows troopers to use the results of a canine deployment to bolster facts and circumstances, strengthening RAS and PC reasons needed to request consent from a driver, arrest a driver, or to obtain a search warrant. Overall, RAS deployments are the most common for each race/ethnicity, with Black drivers having the highest overall portion of RAS based deployments and the most overall canine deployments.

Chi-square analysis was employed to determine whether the observed differences were statistically significant. The results reveal that there was a statistically significant racial/ethnic difference in the legal standard used to deploy canines ($p<.01$). This means that there is less than a 5% likelihood that these results observed are indeed due to chance encounters. All drivers appear more likely to receive a canine deployment based on RAS than PC.

Table Seven: Canine Deployments by Race/Ethnicity of Driver and Legal Standard

5th OLEPS Reporting Period

Race/Ethnicity	Reasonable Articulable Suspicion	Probable Cause	Mean
	(1)	(2)	
White	22	4	1.15
Black	38	7	1.55
Hispanic	9	1	1.10
Asian	2	0	1.00
Total	71	12	1.14

The mean can be used to determine the direction (RAS vs. PC) of deployments for each racial ethnic group. Means of one would indicate RAS and means of two would indicate PC. The mean for White drivers is 1.15, close to RAS. This suggests that more canine deployments for White drivers are based on RAS rather than PC. In contrast, the mean for Black drivers is 1.55, much closer to PC than RAS. Overall, Black drivers have more deployments based on RAS than PC, but the mean value is higher than that for White drivers. Finally, the mean for Hispanic drivers is 1.10, again closer to RAS than PC. Coupled with the significant chi-square analysis, all racial/ethnic groups experienced significantly more RAS canine deployments than PC canine deployments.

Arrests

There are instances where troopers have little discretion to arrest. For example, troopers are required to arrest when motorists have outstanding warrants. Other incidents may be rooted in probable cause, which involves more discretion than a warrant, but is still limited in the use of trooper discretion. The racial/ethnic distribution of arrests across these limited discretion reasons is presented below. In the current reporting period, arrests occurred in 470 motor vehicle stops. As mentioned earlier, State Police policy requires an arrest to be made upon the satisfaction of the probable cause standard to

request consent to search. Table Seven presents the racial/ethnic distribution of arrests and reasons for arrests.

The majority of arrests were based on probable cause: 337 stops had an arrest listed as probable cause, 40 were warrant based, and 93 were based on a combination of these two reasons. In instances where probable cause dissipates, an individual may be unarrested. In this reporting period there were 52 motor vehicle stops where at least one person was unarrested at the scene. Overall, these data suggest that in 2011, sampled drivers were more likely to be arrested on probable cause, not on warrants, and if arrested on probable cause, to have charges filed.

Of the arrests made in stops with White drivers, 12 (5.53%) were warrant based, 166 (76.50%) were PC based, and 39 (17.97%) were based in both warrant & PC. Compared to the previous reporting period, a slightly higher percentage of arrests in stops with White drivers were based on warrants and a combination of warrants and probable cause in this reporting period. However, this may be due to sample characteristics and the large sample of odor of marijuana PC based consent to search requests.

Table Eight: Reason for Arrest by Race/Ethnicity of Driver
5th OLEPS Reporting Period

Race/Ethnicity	Stops with Arrests	Warrant Arrests	Probable Cause Arrests	Warrant & Probable Cause
		(% of arrests)	(% of arrests)	(% of arrests)
White	217	12	166	39
		(5.53)	(76.50)	(17.97)
Black	191	21	125	45
		(10.99)	(65.45)	(23.56)
Hispanic	50	6	37	7
		(12.00)	(74.00)	(14.00)
Asian	11	1	8	2
		(9.09)	(72.73)	(18.18)
Other	1	0	1	0
		(0.00)	(100.00)	(0.00)
Total	470	40	337	93

Of the arrests made in stops with Black drivers, the majority involve probable cause. During this reporting period, there were 125 (65.45%) stops with a Black driver where an arrest was made based on PC. In the current reporting period, only 21 (10.99%) arrests were made based on warrants alone in stops with Black drivers and 45 (23.56%) were based on a combination of warrants and PC in stops with Black drivers. In the current reporting period, there were more arrests in stops with Black drivers based on warrants than in the previous period. This difference may be due to sample characteristics and the arrest requirement when facts meet the standard of PC. If all stops with PC consent searches were removed from the sample, the expectation would be that the remainder of arrests for Black drivers would be warrant based. In fact, examining stops without a PC consent request, roughly half

of the arrests in stops with Black drivers are solely PC arrests and the other half involve a warrant and/or a warrant and PC.

As with Black and White drivers, the majority of arrests in stops with Hispanic drivers were based on probable cause. Overall, 37 (74.00%) of these arrests were based on probable cause alone, six (12.00%) were based on warrants alone, and an additional 7 (14.00%) were based on warrants and probable cause. This is consistent with the previous reporting period where the majority of arrests in stops with Hispanic drivers are PC based.

In incidents where a vehicle search was conducted, no evidence found, probable cause dissipated, and no charges were lodged, the vehicle occupants were able to leave the scene. Instances in which no charges were filed are those where an individual was released either at the scene of the stop or at the station. These instances were not all that common. There were only 52 stops or roughly 11% of all stops with an arrest made where no charges were filed. White drivers had the highest number of instances in which no charges were filed. There were 36 stops with a White driver, 10 stops with a Black driver, 3 stops with a Hispanic driver, and 3 stops with Asian drivers where no charges were filed.

Probable Cause Arrests

The change in State Police procedures following Peña-Flores requires immediate arrest with probable cause. The trooper is then required to obtain a search warrant or consent to search the vehicle. There were no incidents during this period where search warrants were applied for at the scene of the stop.

Further examining incidents of probable cause arrest can indicate whether the potential for disparity exists. There were 93 arrests made on the basis of probable cause and at least one outstanding warrant. Compared to the previous reporting period, this number is smaller, but does reflect a slightly larger proportion of all arrests (16.71% in the previous period versus 19.78% in the current period). These instances mean that although probable cause was a reason for the arrest, the overarching reason was an outstanding warrant, which drastically limits a trooper's discretion. Of incidents with PC and a warrant, 39 drivers were White, 45 were Black, 7 were Hispanic, and two were Asian. This pattern is consistent with previous periods that find that Black drivers are most commonly arrested for warrant related reasons.

Additionally, the number of warrant only arrests made during the current reporting period is larger than the previous period. The number of stops with warrant only arrests comprised 8.29% of all stops with arrests in the current period, compared to 2.93% in the fourth reporting period.

Chi-square analysis was employed to determine whether the observed differences in reasons for arrest were statistically significant. The results reveal that there was a statistically significant racial/ethnic difference in the legal standard used to arrest ($p<.05$). This analysis was conducted on White v. Non-White drivers as other racial/ethnic categorizations led to invalid results. Non-White drivers are more likely to be in stops with arrests based on PC, Warrant, and a combination of PC & Warrant. The significant difference between stops with White and Non-White drivers actually reflects the fact that Non-White drivers were involved in more stops with arrests than White drivers.

While arrest rates are different, it appears that they are different based on the nature of the interaction and the criminal offenses committed in the troopers' presence, not necessarily based on race/ethnicity.

As in the previous reporting period, probable cause is the most common reason for arrests for all racial/ethnic groups. However, the proportion of arrests involving warrants increased in this reporting period.

Additional Analyses: Time of Day

In determining whether any racial/ethnic bias exists in trooper activity, it is important to consider the time of day when the stop and activities occurred. During the daytime, generally, there is more light that can help a trooper identify the race/ethnicity of the driver. At night, darkness can make this determination more difficult. Research on motor vehicle stops has corroborated this suggestion, often finding differences in the racial/ethnic distribution of day and night stops.

Table Nine indicates that slightly fewer motor vehicle stops were made at night[13] (254) than during the day (272). There were more stops at night for White drivers and Black drivers, while Hispanic drivers were involved in more stops during the day and Asian drivers were involved in an equal number of stops during the day and at night. The largest difference between the numbers of day and night stops is for Black drivers; there were 25 more night stops than day stops.

Table Nine: Racial/Ethnic Distribution of Day & Night Stops
5th OLEPS Reporting Period

Race/Ethnicity	Day	Night	Total
White	130	113	243
Black	107	102	209
Hispanic	28	31	59
Asian	7	7	14
Other	0	1	1
Total	272	254	526

Chi-Square analysis was used to determine whether the observed differences in Table Nine are significant. The results did not reveal a significant difference among racial/ethnic groups in the distribution of day and night stops, suggesting that this distribution could likely result from random sampling of the events reviewed. The racial/ethnic differences between day and night stops do not present a pattern suggesting trooper bias.

Summary of Standard 1

Unlike the last reporting period, the results presented here do indicate significant differences based on race/ethnicity for trooper activity. Significant differences were found in the racial/ethnic distribution of consent to search requests, canine deployments, uses of force, the reasons for stops, the legal standards used to request consent, the legal standards used to deploy canines, and the reasons cited

[13] Day and night are defined according to sunrise and sunset. A stop occurring after the official time of sunset for the Eastern Time zone on that date will be listed as occurring at night.

for an arrest. These results indicate that: White drivers were more likely to have a consent request made; Black drivers were more likely to be involved in a canine deployment; White drivers were more likely to be involved in a use of force; White drivers were more likely to be stopped for failure to maintain lane; Non-White drivers were more likely to be stopped for all other reasons; White, Black, and Hispanic drivers are more likely to be asked for consent based on PC than RAS; all drivers are more likely to receive canines deployed on RAS than PC; and Non-White drivers are more likely to be involved in stops with arrests based on PC, Warrant, and a combination of PC & Warrant. Overall, the significant findings do not point to disparate treatment of any single racial/ethnic group; the significant differences indicate each racial/ethnic group may be more likely to receive only certain activities, not all. Nonetheless, OLEPS will continue to monitor the racial/ethnic distribution of State Police activities.

For the current reporting period, OLEPS compared the racial/ethnic distribution of each enforcement activity with the overall racial/ethnic distribution for all stops. This benchmark represents the best currently available. However, if the racial/ethnic distribution of all stops is skewed, it could mask bias in enforcement activities. OLEPS continues to recommend the development of an appropriate internal or external benchmark to compare these enforcement activities. OLEPS will continue to explore benchmarking opportunities to improve the analyses presented here.

Performance Standard 2: Consent Search Requests

Standards

According to State Police policies and procedures, consent to search requests and consent searches must adhere to the following guidelines:

- Must be made with a minimum of RAS
- Must have supervisory approval
- Communication call-in must be made prior to requesting consent
- Troopers must notify consenter of their right to refuse
- Troopers must notify consenter of their right to be present
- The consent request must be limited in scope
- The consent search must be terminated upon withdrawal of consent
- A/V recording of request for approval, supervisors response, request to citizen, response, signing of form, and actual search
- Consent form should be completed properly

Assessment

In the current reporting period, OLEPS reviewed a total of 464 motor vehicle stops where a consent to search request was made. In this reporting period, OLEPS sampled stops with PC consents and reviewed all stops with RAS consents for the current reporting period. Of the stops with consent requests, the majority, 275 stops, were based on PC and 189 were based on RAS.

Table Ten: Consent Requests for Previous Reporting Periods

Reporting Period	RAS Consent Requests	Total Consent Requests
OLEPS 1st a	79	79
OLEPS 1st b	51	51
OLEPS 2nd	72	405
OLEPS 3rd	68	78
OLEPS 4th a	66	358
OLEPS 4th b	62	316
OLEPS 5th a	106	266
OLEPS 5th b	83	198

Table Ten depicts the numbers of RAS consent requests dating back to the Monitors' Ninth Report under the independent monitors. The 189 RAS consent requests in the current reporting period represent a slight increase from the 128 in 2010 (66 in the first half of the year and 62 in the second

half of the year). Historically, there has been great fluctuation in the number of RAS consent requests from period to period. However, in recent years (since 2009) and until the current reporting period, the numbers have generally leveled off, likely due to the rise in PC consent to search requests. The number of consent to search requests in the current reporting period may be the beginning of a trend of increased use of RAS consent to search requests.

The numbers in the total consent requests column only became relevant in 2009, as a result of the Peña-Flores decision. This ruling increased reliance on PC consent requests, dramatically increasing the numbers of all consent requests, but primarily PC consent requests. The 275 PC consent requests reviewed in this reporting period represents the second largest sample of PC consent requests reviewed to date. The current reporting period is roughly a full 2 years after the Peña-Flores decision. Accordingly, troopers have had time to adjust to the policy and procedural changes that resulted from the decision.

RAS & PC

At a minimum, consent searches must meet the standard of RAS. However, since the Peña-Flores decision in 2009, PC was created as a reason justifying consent searches. As a legal standard, PC is stricter than RAS, requiring more specific facts and circumstances for troopers to ask for consent.

Generally, the facts and circumstances surrounding the motor vehicle stop meet the respective standards for which they are requesting consent. Of the 189 stops with RAS consent requests, two stops (1.05%) had facts and circumstances that did not meet the standard of RAS. These two issues were noted by the State Police in their review of motor vehicle stops and one resulted in an intervention. In the third reporting period, six stops (8.8%) with RAS consents lacked RAS and in only three of those stops did supervisors note the lack of RAS while the previous reporting period noted two instances of lacking RAS which were both noted by the State Police. Thus, the current reporting period represents continued improvement in the appropriate use of RAS and noting of errors by supervisory review.

Of the 275 stops with PC consent requests, six stops had facts and circumstances that did not meet the standard of PC. Four of these issues were noted by the State Police in their review of motor vehicle stops and two were not noted by State Police. Of the four issues caught by the State Police, only two generated an intervention. The number of PC consent searches that did not meet the standard of PC is higher in this reporting period than the last despite the smaller sample of PC consent to search requests in this period. OLEPS recommends the continued detailed review of PC & RAS consent to search requests, with focus paid to the satisfaction of legal standards.

Consent Forms

All troopers requesting consent to search from a motorist are required to fill out a consent to search form. This form provides evidence that an individual did or did not give their consent for a trooper to search a vehicle (or other area). This form includes the location(s) to be searched, the individual(s) involved, the location of the stop, the rights of the individual(s) involved in the consent request, whether consent is granted or denied, and a log of any evidence recovered in the search. As such, it is important that these forms are filled out and completed properly.

Of the 464 stops with consent to search requests, a consent form was filled out appropriately in 283 instances. In 76 instances, OLEPS was unable to determine whether a consent form was completed properly because the form was not provided to OLEPS. An additional 105 stops had forms that were not completed appropriately. These errors most often relate to fields not being filled out. For example, many forms did not have a mark indicating whether consent was granted or denied. Of these 105 errors, 22 were caught by the State Police's review of forms and four resulted in an intervention. The remaining 83 errors were noted by OLEPS and not the State Police. The number of errors is much larger compared to the previous reporting period, where only 26 forms were missing and 58 were incomplete, 26 of which were noted by supervisory review.

OLEPS noted an issue regarding the proper completion of consent forms. Consent forms require a trooper to write the CAD incident number for the motor vehicle stop on the form. During the last reporting period, OLEPS noted that many consent to search forms were missing from the first data request because troopers completing the forms failed to list the CAD incident number on it. Accordingly, because these forms were initially missing a CAD incident number, they could not appropriately be filed within CAD or RMS and scanned into the records of a stop. The missing forms in this reporting period likely resulted from the same issue. OLEPS continues to recommend that the State Police appropriately file, record, and store all paperwork.

Due to the high number of missing forms, for the reasons cited above, OLEPS also measured whether there was video recording of the form being completed. This allowed OLEPS to determine whether the forms were filled out at the scene, whether they were not filed appropriately, or whether the forms were never filled out. Of the 76 missing consent forms, video recordings indicate that 61 forms were filled out at the scene and 19 were missing from the video recording. Overall, there were only four stops where OLEPS was able to determine that a consent to search form was not completed at the scene; only one of these forms was eventually provided to OLEPS.[14]

OLEPS continues to recommend that the State Police stress the importance of appropriately filed consent forms. An incomplete or missing form could lead to potential problems should an individual challenge the legality of a search performed by the State Police. OLEPS does recognize that a year has currently passed since these stops were conducted, but OLEPS reviews began in late 2012, less than a year from the date of stops. OLEPS anticipates that consent forms will be more readily available in future reporting periods due to changes in State Police procedures for consent forms in 2010 and 2011, which now require these forms to be scanned into State Police databases.

Rights

Troopers are instructed to read the consent to search form in its entirety to the individual whose vehicle is being searched so that s/he clearly understands his/her rights. Such rights are the right to refuse the search and the right to be present during the search. In 38 motor vehicle stops, a trooper did not appropriately notify the driver of either the right to refuse or the right to be present during the consent search. Of these instances, 23 were noted by State Police review of the stop and six resulted in an intervention.

[14] In this instance there were extenuating circumstances (i.e., road conditions) that prevented the completion of the form at the scene of the stop.

In the previous reporting period, OLEPS noted only 23 stops where a trooper failed to notify individuals' of the right to be present or the right to refuse, fewer stops than in the current reporting period. OLEPS recommends that troopers appropriately notify citizens of their rights during consent to search requests. These rights are clearly written on the consent to search form, and as such, reading the form in its entirety results in the notification of these rights to the citizen.

Accountability & Safety

There are several requirements of troopers implementing a consent search. These requirements are designed to protect both the troopers and the individuals involved in the search. For example, troopers are required to obtain permission from a supervisor (not involved in the stop) to request consent of the motorist. This ensures that troopers are requesting consent searches based on facts and circumstances that meet the appropriate standards of RAS or PC. Troopers must request permission to search from a supervisor not involved in the stop to ensure objectivity in determining whether the search is appropriate. In the majority of stops with consent searches, 367, the supervisor was advised of the facts via the radio. In 44 stops, a supervisor was notified of the facts and circumstances at the scene of the stop. Additionally, a supervisor was notified via a cell phone in 33 stops. There were 17 motor vehicle stops where OLEPS was unable to determine whether a supervisor was notified of the facts and circumstances surrounding the request. In three stops with a consent to search request, a trooper did not notify a supervisor of the facts supporting the request. All three of these instances were caught by supervisory review and resulted in an intervention.

After a supervisor approves the request to ask for consent to search, troopers may begin the search after they notify communication that the search is beginning. This was done in 350 motor vehicle stops. There were only two stops where a trooper failed to notify communication that the search was beginning, both of which were not noted in State Police review of the stops. In the remaining 22 instances, it was not known whether communication was notified of the beginning of the search.

Troopers are also required to read the consent form (including the rights to be present and to refuse) while the MVR is recording. This provides evidence that troopers notified motorists of their rights. This question is only answered for those stops in which OLEPS reviewed recordings of the motor vehicle stop in addition to reports. Despite the increase in the number of consent searches reviewed, the number of consent requests not recorded did not increase during the current reporting period. In the current reporting period, there were only 17 stops where a trooper failed to record the reading of a consent request, 14 of which were caught by supervisory review.

According to State Police policy, troopers are also required to record the actual search. In 332 stops, the consent search was properly recorded. Consent searches were not recorded in 17 motor vehicle stops and 14 of these errors were noted by supervisory review. In the previous reporting period, there were only five stops where a search was not recorded, but these were caught by supervisory review.

As noted above, the consent to search form specifically identifies the parts of a motor vehicle a trooper is allowed to search per supervisory approval and motorist consent. Troopers may not deviate from this scope. OLEPS noted that in 348 stops, troopers appropriately heeded the scope requirements of the search. There were only three motor vehicle stops with consent searches where troopers violated the scope requirements. Only one of these errors was caught by State Police supervisory review.

A motorist retains the right to withdraw their consent to the search at any time during the search. Troopers must immediately terminate a search upon withdrawal of consent. Generally, withdrawal of consent is rare; there were no withdrawals in the third reporting period whereas there were five in the fourth reporting period. In this reporting period, consent was withdrawn in two motor vehicle stops. Troopers appropriately terminated the search upon this withdrawal in both stops.

Summary of Standard 2

Overall, the State Police adhered to policies and procedures governing consent search requests. OLEPS did note a few instances where the facts and circumstances surrounding a consent to search request did not meet the minimum standard of PC, but these instances were relatively infrequent. Consent forms continue to be an issue for the State Police, as they have been for several reporting periods. Furthermore, in the current reporting period, a much higher number of consent to search forms were unavailable to OLEPS because they were not completed appropriately (i.e., missing CAD incident numbers). OLEPS continues to recommend that the State Police stress the importance of filling out these forms completely and correctly and appropriately cataloging these forms.

Performance Standard 3: Deployment of Drug Detection Canines

Standards

According to State Police policies and procedures, canine deployments must adhere to the following guidelines:

- Must be authorized by a supervisor not involved in the stop
- Must be radioed through dispatch
- Must have a minimum of RAS
- Must be recorded (since all stops must be)

Canine Deployments

All canine deployments must be authorized by a supervisor not involved in the stop. As first noted in the previous monitoring report, OLEPS has seen several instances where a canine is deployed without proper supervisory approval. Usually, these unofficial deployments have occurred because the canine handler was serving as a "back-up" to the primary trooper. There were 86 canine deployments in the current reporting period. Three of the canine deployments were not officially requested by State Police. Thus, there were 83 motor vehicle stops where a canine was deployed, officially.

Of the official deployments, 71 were based on RAS and 12 were based on PC. There were three RAS deployments that did not meet the standard of RAS; two of these errors were noted by supervisory review and one resulted in an intervention. All of the PC deployments met the standard of PC.

Canine deployments must be recorded according to State Police policy. In the current reporting period, 72 (of the total 86) deployments were recorded appropriately, four were not recorded at all, and OLEPS was unable to determine whether 10 were recorded. Three of the four unrecorded deployments were appropriately caught by State Police supervisory review and one resulted in an intervention.

For the current monitoring period, OLEPS did not measure whether canine deployments were authorized by supervisors or radioed through dispatch. However, these items will be assessed in future monitoring reports.

The overall number of canine deployments during this reporting period is roughly 100% more than the number of canine deployments in the previous reporting period. In actuality, the canine deployments discussed in this report are only a portion of the total deployments. For the monitoring reports, OLEPS only discusses canine deployments that occur at the scene of the stop. Additional deployments may occur at the station or during events that did not originate as motor vehicle stops. In 2011, there was a slight increase in the overall number of canine deployments that were connected to a motor vehicle stop. However, there was a dramatic increase in the number of canine deployments that occurred at the scene of the stop rather than the station. During the past few years, the State Police had shifted canine deployments from the scene of the stop to the station. However, this

reporting period noted a substantial increase in the number of deployments at the scene rather than the station. OLEPS has discussed this dramatic increase with the State Police. Suggested explanations for this increase include the widespread availability of canine units that are stationed throughout the State in addition to roving patrols of canine units.

Summary of Standard 3

Canine deployments were generally conducted in accordance with State Police policies and procedures. OLEPS did note multiple instances where a canine was not actually requested but still used during a stop. OLEPS has discussed the issue of canine handlers performing back up duties with the State Police and anticipates that this issue will be resolved in future reporting periods.

Performance Standard 4: Use of Force

Standards

Troopers must adhere to the following guidelines related to the use of force:

- Used for protection of self or others from unlawful force by another, suicide/bodily injury
- Used to prevent the commission of a crime involving potential injury, damage, loss of property, or breach of peace
- Used in self defense
- Used to prevent an escape
- Used to effect an arrest only if the purpose of the arrest is made reasonably known, if a warrant is reasonably believed to be valid, or when the arrest is lawful
- Use of force forms filed completely and properly

Assessment

In the current reporting period, there were 47 uses of force, slightly larger than the last reporting period and a continued increase in the number of these incidents during motor vehicle stops. From 2009 to 2010, there was a 20,000 stop increase in the number of motor vehicle stops conducted. With 20,000 more stops, the frequency of all enforcement activities, use of force included, is likely to increase because of the higher number of trooper-citizen contacts.

Table Eleven: Uses of Force by Type of Force[15]
5th OLEPS Reporting Period

Type of Force	Number of Stops
Mechanical	1
Physical	27
Chemical	3
Mechanical & Physical	2
Chemical & Physical	13
Mechanical, Chemical, & Physical	1
Total	**47**

[15] Physical force: Bodily contact with a subject, not otherwise submitting or cooperating, to effect an arrest or other law enforcement objective.
Mechanical Force: The use of some device which employs less than deadly force, such as a baton (PR24, expandable baton, etc.), police canine, etc.
Chemical Force: The use of some device which employs less than deadly force, specifically a chemical or natural irritating agent.

Table Eleven presents the types of force used in the current reporting period. As was the case in the previous reporting period, physical force is the most frequently used type of force. There were 27 instances where physical force was used, three where chemical force was used, 13 where a mix of chemical and physical force was used, two where a mix of mechanical and physical was used, one where mechanical force alone was used, and one where a combination of mechanical, chemical, and physical force was used.

OLEPS reviews all uses of force in connection with motor vehicle stops and assesses whether these uses of force were appropriate and necessary. In 45 stops, the force was deemed necessary and appropriate, based on the requirements above. One instance of force was deemed not to meet the State Police standards for such force by OLEPS; the State Police noted the same in its review of the stop and issued an intervention on this error. There was also one additional use of force where OLEPS was unable to determine whether force was appropriate because the incident occurred outside the view of the DIVR camera.

The 47 motor vehicle stops involved uses of force against the driver, passenger 1, passenger 2, or some combination. In total, there were 38 stops where the driver was a recipient of force, nine stops where passenger 1 was a recipient of force, and two stops where passenger 2 was the recipient of force. There were no instances where all passengers and the driver were the recipient of force.

Use of force reports are required to be filed in all instances of force, for each citizen involved. For two stops where the driver was the recipient of force, the trooper involved did not submit a use of force report. One of these errors was noted by the State Police and an intervention was issued. Additionally, there was one stop where the driver was the recipient of the use of force and OLEPS was unable to determine whether a report was filed because it was unavailable to OLEPS. When passenger 1 was the recipient of force, use of force reports were filed in eight stops and OLEPS was unable to determine whether a use of force report was filed in one stop. All use of force reports for passenger 1 were completed properly. In all uses of force against passenger 2, a use of force report was filed and completed properly.

Summary of Standard 4

OLEPS concluded that the uses of force in the current reporting period were conducted in accordance with the State Police's requirements, with the exception of one incident of force which the State Police had also determined was inappropriate. The few issues pertaining to missing use of force reports reiterate OLEPS' recommendations for appropriate documentation and cataloging of State Police enforcement activities.

Performance Standard 5: Recording & Reporting of Motor Vehicle Stops

Standards

State Police policies and procedures require audio and video recording of ALL motor vehicle stops, from just prior to the first communication center call in until the stop is cleared.

State Police policies and procedures require that specific instances and information be radioed to the State Police Communication center. They include the following:

- Trooper Badge number & activity (i.e., motorist aid or vehicle stop)
- Location, direction of travel, municipality
- Vehicle description
- Occupant description- race, gender
- Stop statute
- Status update
- Race and gender update
- Driver DOB
- Vehicle registration, make, model
- Checks on licenses/identity, wanted persons status, criminal history
- Requesting backup
- Final disposition
- Stop cleared

State Police policies and procedures require that motor vehicle stop reports be filed for all stops that involved post-stop enforcement activity. Investigation reports are also required when a stop involves investigative functions (e.g., search warrants). These reports are expected to be filled out completely and without errors.

Assessment

Recording

In the current reporting period, a total of 526 motor vehicle stops were reviewed. According to State Police policy, all motor vehicle stops should be recorded, beginning when a trooper signals a car to stop (e.g., turns on lights and sirens). In 458 stops (87.07%), the MVR was activated appropriately. There were 32 stops where OLEPS was unable to determine whether the MVR was activated due to missing or unavailable DIVR tapes. OLEPS noted many instances where the first clip of a motor vehicle stop was unavailable on the State Police DIVR system. For some of these stops, the remaining clips were available for review on recordings from other troop cars involved in the stop. OLEPS noted that the missing first clips are either purged or attached to the trooper's previous motor vehicle stop CAD incident number. OLEPS recommends that the State Police examine the issue of missing first clips of motor vehicle stops and whether the issue results from not properly clearing from a stop.

In three stops, MVR activation was not applicable, likely because the stop began as a rest area check and not as a trooper initiated stop. In total, there were 33 stops (6.27%) where the MVR was not activated appropriately when the trooper signaled the stop. The vast majority, 32 of these instances,

were noted by supervisory review and 10 resulted in an intervention. In most of these instances, troopers turned the MVR on during the stop, but it was not automatically activated while stopping a vehicle, as policy requires.

In addition to initiating the recording of a stop at the beginning of the stop, audio and video recording of the stop is required to continue until the completion of the stop. There were 330 stops (62.73%) where recording continued to the completion of the stop. In 27 stops, OLEPS was unable to determine whether recording continued to the end of the stop. In total, there were 169 stops where the audio and video recording did not continue to the completion of the stop. In 160 of these instances, supervisory review noted these errors and issued 14 interventions.

For the past several reporting periods, OLEPS has assessed the quality of audio and video recordings. While an MVR may be recording, the audio may be unintelligible or the camera may not be aimed at the stopped vehicle. In these instances, OLEPS noted whether there were any audio or video difficulties that made it difficult to determine trooper actions. In the current reporting period, there were 96 stops (18.22%) where some sort of audio difficulty made it challenging to determine trooper actions. These difficulties often result from the noise of traffic passing or other external factors. In addition, there were 145 stops (27.56%) where there was a malfunction in the audio. Malfunctions may result from microphones dying or fading in and out throughout the stop. The percentage of stops with audio difficulties in the current reporting period is much higher than the previous reporting period, where only about 18% of stops exhibited an audio malfunction or difficulty.

Video difficulties were noted in 35 stops (12.35%) that made it difficult to determine trooper actions. The video difficulties may result from the camera being positioned away from the stopped vehicle or because of environmental conditions (dark, rainy, etc.). In addition, there were 13 stops (2.47%) where OLEPS noted a video malfunction.

The number of malfunctions and audio and video difficulties in this reporting period are obviously higher than the previous reporting period, despite reviewing nearly 200 fewer stops in the current period. For several reporting periods, OLEPS has noted issues with the recording of motor vehicle stops. In the past, these issues were related to mechanical issues regarding MVR tapes. OLEPS anticipated that these issues would be resolved once the migration to DIVR was complete. However, that does not appear to be the case. In this reporting period, OLEPS found that there were fewer stops where the MVR was not activated initially, but there were more stops that did not continue recording audio and video until the completion of the stop. During reviews, OLEPS has noticed that a number of these issues pertain to the audio portion of the recording; a large portion of stops indicate some sort of audio malfunction or difficulty. Issues with video tend to result from a misdirected camera or unavailable clips of a stop. OLEPS continues to recommend that the State Police ensure that troopers properly record motor vehicle stops and keep recording equipment in working order.

Communication Call-Ins

State Police policies and procedures contain a number of requirements relating to communication center call-ins during a motor vehicle stop. The purpose of these call-ins is two-fold. First, and most importantly, these communication call-ins monitor officer safety. By updating dispatch regularly on location, description of the vehicle stopped, and events occurring within the stop, there is a record of what that trooper is doing and where s/he is located. Should there be an issue during a stop, there is a recording of the trooper's whereabouts and actions. Second, communication call-ins serve as a

record of the events of the stop. Should there be audio/video recording difficulties, communication call-ins represent an additional timeline record of the stop.

Upon stopping a vehicle and prior to approaching the vehicle, troopers are required to call in: the location of the stop; a vehicle description; the number of occupants; the race/ethnicity of the occupants; and the reason for the stop. In the overwhelming majority of stops, troopers called in the appropriate information to communication. In the current reporting period, there were only 16 stops where a trooper failed to notify communication of his/her location prior to approach. Of these stops, 14 were caught by supervisory review and seven resulted in an intervention. Vehicle descriptions were not called in for 15 stops, 13 of which were noted by supervisors, and six of which resulted in an intervention. The number of occupants was not called in for 16 stops, 15 of which were noted by supervisors, and seven of which resulted in an intervention. Troopers called in the race/ethnicity of occupants in the majority of stops, but failed to do so for 16 stops, 15 of which were caught by State Police supervisors, and seven which resulted in an intervention. Finally, the reason for the stop was not called in for 18 stops prior to approach, 15 of these were noted in reviews, and six resulted in an intervention. In the previous reporting period, there were roughly the same number of stops that lacked communication call-ins at the beginning of the stop. However, in the previous period, all of these errors were caught by supervisory review. Despite supervisory review not catching these errors, it remains that the majority of stops had the required call-ins per State Police policy.

Upon completion of the stop, troopers are required to notify communication that the stop has been completed and what actions were taken during the stop (e.g., summons, warning, towing the vehicle). There were only eight motor vehicle stops where troopers failed to notify communication of the completion of a stop, seven of which were noted by supervisory review, and three of which resulted in an intervention. Additionally, there were eight stops where the actions taken during the stop were not called in, six of which were noted by supervisory review, and two of which resulted in an intervention.

There were approximately 50 stops where it was unknown whether communication call-ins were conducted due to missing recordings of the stop and audio difficulties/malfunctions. OLEPS recommends that the State Police improve their recording quality and effectiveness. Previous reporting periods had much higher rates of errors caught by supervisors. OLEPS suggests a return to vigilance in supervisory reviews, especially pertaining to communication call-ins.

Reporting

Motor vehicle stop reports are filed by troopers. These reports detail the timeline of the stop, the individuals involved, and all enforcements/activities that occurred. These reports are reviewed and approved by supervisors. OLEPS reviews these reports to ensure that they are consistent with the events of the stop.

In the 526 stops reviewed, there were 152 stops (28.89%) with stop reports containing errors. Of these errors, 108 were caught by supervisory review of the reports, and 26 resulted in an intervention. There were 88 stops where an error was made on a motor vehicle stop report, that was not caught by supervisory review, a much higher number than the previous reporting period. There was one additional stop were OLEPS was unable to determine whether the report was correctly completed because the report was unavailable.

Investigation reports are required to be completed by troopers only for stops involving investigative activities. In the current reporting period, the majority of stops had appropriately completed investigation reports. There were 338 stops (64.25%) where an investigation report was completed without errors. Investigation reports were not completed properly in only 29 stops (5.51%). Of these errors, 19 were caught by supervisory review, and three resulted in an intervention.

As in previous reporting periods, investigation reports appear to be completed appropriately. Motor vehicle stop reports tend to contain more errors than the investigation reports. These errors are usually based on missing or inaccurate information recorded in the report. For example, listing a different reason for the stop, or not indicating that an action occurred. These errors are generally minor and do not necessarily reflect any specific patterns requiring a tailored focus. OLEPS is aware that the State Police has made concerted efforts to improve the writing of these reports and anticipates improvements in the number of errors in the next reporting period. However, the number and percentage of errors made in motor vehicle stop reports has increased since the previous reporting period.

Summary of Standard 5

In the previous reporting period, OLEPS has noted an improvement in the number of issues pertaining to audio/video recordings of stops. However, this reporting period, again, noted a number of issues pertaining to audio recordings and the availability of video recordings. The State Police should examine methods to improve audio recordings and determine why the first clips of motor vehicle stops are not saved in the recordings database.

OLEPS continues to note issues and errors in the completion of motor vehicle stop reports and investigation reports that have not been caught by supervisory review. While these errors may be viewed as merely "procedural," incorrect reports can be an issue should they be required in legal proceedings. The State Police should place emphasis on appropriate reporting by troopers and/or detailed supervisory reviews of these reports.

Performance Standard 6: Exits & Frisks

Standards

State Police policies and procedures limit the circumstances under which a trooper may request an individual to exit a vehicle or perform a frisk on an individual. These circumstances include:

- Driver exit only for sobriety or officer safety
- Passenger exit for heightened suspicion, Title 39 violation, or to perform search of vehicle
- Frisks conducted for weapons or DTT

In addition, persuant to New Jersey law[16], a driver may be asked to exit a vehicle for any reason.

Assessment

Exits

A trooper may request that a driver or passenger exit a vehicle for a number of reasons. Drivers may be asked out for any reason. Passengers may be asked to exit based on a heightened suspicion that there is criminal activity or they may be asked to exit as duty to transport (DTT).

In the current reporting period, there were 493 stops where a driver or occupant(s) was asked to exit the vehicle. Of these stops, 484 involved at least a driver exit, 110 of which were for sobriety reasons.

There were 310 stops where the passenger, labeled passenger 1, was asked to exit a vehicle. Of these stops, 285 were based on heightened suspicion and 17 were asked to exit as duty to transport. There were eight stops where passenger 1 was asked to exit a vehicle for a reason other than heightened suspicion or DTT. Five of these errors were noted by State Police supervisory review and four resulted in an intervention. There were three exits for passenger 1 that were not noted by State Police review. There were 133 stops where passenger 2 was asked to exit the vehicle, 124 of which were based in heightened suspicion and 9 based on DTT. Overall, vehicle exits appear to be conducted appropriately and according to policy.

Frisks

Frisks are a tactic utilized by troopers to protect themselves and the individuals involved in the stop. A frisk is an open-handed, non-manipulating, cursory, pat-down for weapons of a person's outer clothing. To frisk a person, a trooper must have RAS that the person may be armed and dangerous. Troopers

[16] State v. Smith, 134 N.J. 599, 611 (1994); see State v. Peña-Flores, 198 N.J. 6, 31 n.7 (2009)- describes the right of an officer to remove a driver from a lawfully stopped vehicle as "established precedent."

may also frisk individuals prior to putting them into a troop car for trooper safety (e.g., if a trooper was transporting a passenger of a vehicle whose driver was under the influence).

In the current reporting period, there were frisks in 114 motor vehicle stops. Eighty-five of these frisks were based on RAS and 29 were DTT. There were 10 frisks that did not meet the requirement of RAS, six of which were noted by State Police review, and four of which resulted in an intervention. Thus, there were four instances where a trooper inappropriately frisked an individual that was not caught by supervisory review.

OLEPS also reviews the mechanics of a frisk to make sure that it is not extending beyond the appropriate boundaries, making the frisk an illegal search. Of the 114 stops in which a frisk occurred, 59 were appropriate and followed the requirements. OLEPS was unable to determine whether frisks were appropriate in 45 instances. Seven of these stops received only a paper review, so the tape was not reviewed. The majority of these remaining stops experienced some sort of audio/video difficulty, malfunction, or missing recordings. There were nine frisks that extended beyond a cursory pat-down. Of these frisks, six were noted by State Police supervisory review and three resulted in an intervention.

In total, 82 drivers received a frisk. Sixty-nine of these frisks were based on RAS and 13 were based on DTT. There were six instances where a frisk of the driver did not meet the RAS standard. Of these instances, four were noted by supervisory review and two led to an intervention. Thus, two driver frisks lacked the appropriate RAS to conduct the frisk. Additionally, there were seven frisks of drivers that extended beyond the pat down circle.

In 62 motor vehicle stops, passenger 1 was frisked. Of these frisks, 24 were DTT and 38 were based on RAS. Of the RAS frisks, four did not meet the standard of RAS. Only one of these errors was caught by supervisory review and an intervention was issued. There were three frisks of passenger 1 that went beyond the pat down circle. Of these, two were caught by supervisory review and an intervention was issued for one. In this reporting period, there were 28 frisks where it was unknown whether the mechanics of the frisk were appropriate because the frisk was not captured on camera or because the recording was unavailable.

There were 28 motor vehicle stops where passenger 2 was frisked. Of these, 12 were based on DTT and 16 were based on RAS. With the exception of two frisks, all RAS frisks of passenger 2 met the standard of RAS. The two frisks that did not meet RAS were caught by supervisory review and interventions were issued. There was only one frisk of passenger 2 that extended beyond the pat down circle, which was noted by the State Police and resulted in an intervention. However, there were 12 frisks where it was unknown whether the mechanics of the frisk were appropriate because the frisk was not captured on camera or because the recording was unavailable.

Summary of Standard 6

OLEPS' review found the majority of exits and frisks occur in accordance with State Police policies and procedures. In the instances where exits and frisks were not in accordance with State Police policies, the errors were noted by State Police reviews.

Performance Standard 7: Non-Consensual Searches/Seizures

Standards

State Police policies and procedures provide the circumstances under which non-consensual searches/seizures are permitted to be used. All searches/seizures should be based on probable cause or incident to arrest and should be called into communication prior to execution.

Assessment

Non-Consensual Searches/Seizures: Vehicles

There were 61 non-consensual vehicle searches/seizures in the current reporting period. Of these searches/seizures, 34 were identifiable as plain view searches/seizures,[17] nine were credential or ownership searches, nine were vehicle frisks, and eight were identified as "other." These "other" searches were often intrusions made by the trooper into the car, such as breaking the plane of the window by sticking his/her head into the car or reaching into the car. OLEPS noted that errors in the search were made in 18 stops, only eight of which were noted by State Police, and four of which resulted in an intervention. The majority of these errors arose from a lack of exigency; the trooper did not have exigent circumstances under which to enter the vehicle. Additionally, a number of errors were made because a trooper broke the plane, which is technically a search. Specifically, in six motor vehicle stops, plain view was cited as the reason for the search when the items were not actually in plain view (i.e., closed purse).

Non-Consensual Searches/Seizures: Persons

In the current reporting period, there were 477 stops where a search of a person occurred. Per State Police policy, these searches should be incident to arrest. There were 439 searches of drivers incident to arrest and 12 searches that were not incident to arrest. Seven of these errors were noted by State Police supervisory review and interventions were issued for five stops. There were 259 stops with searches of "passenger 1" incident to arrest and eight that were not incident to arrest. Six of those search errors were noted by the State Police and four led to an intervention. Finally, in 106 there was a search of "passenger 2" incident to arrest and eight that were not. Six of those search errors were noted by the State Police and four led to an intervention.

[17] Technically, plain view incidents are classified as seizures, not searches. However, State Police policies classify plain view similar to vehicle frisks and thus, searches, not seizures.

Summary of Standard 7

OLEPS' review of non-consensual searches/seizures found them to be in accordance with State Police policies and procedures. There were generally fewer non-consensual searches in this reporting period, but there were a high number of search errors that were not caught by the State Police. As stated earlier, OLEPS recommends that the State Police exhibit more detail in their reviews of motor vehicle stops.

Performance Standard 8: Length of Stops

Standards

According to State Police procedure, RAS stops should be "brief." Because the length of stop may be indicative of inappropriate enforcement (i.e., detaining a motorist until RAS has been established for a consent search), it is an important characteristic of stops.

All motor vehicle stops based on RAS should be "brief." For the purposes of this report, "brief" will be defined as deviations from the average (mean) stop length. Any motor vehicle stop found to be more than one standard deviation from the average length (of that type of stop—for example, length of stops with PC consent searches will only be compared with PC consent searches) will be examined for potential reasons for the additional length. Appropriate explanations include stop complexity (several enforcements such as several searches, a search warrant request, etc.), waiting for appropriate reinforcements (i.e., back up), waiting for responses from communication regarding criminal history/warrants, or questions regarding ownership.

Assessment

The average length of motor vehicle stops reviewed during this reporting period is 65.00 minutes and the standard deviation of this distribution is 36.92. Thus, all stops greater than 101.92 minutes or less than 28.08 minutes are more than one standard deviation from the mean. There are 83 stops greater than one standard deviation above the mean, 79 of which had consent requests and 49 which also contained a canine deployment. These stops also contained additional enforcements such as non-consensual searches, vehicle exits, frisks, and arrests.

In contrast, there are 47 stops that are one standard deviation below the mean stop length. The majority of these stops did not involve consent to search requests or had consent to search requests that were denied.

Generally, the average length of motor vehicle stops in this reporting period is more than the previous period, 65 minutes here and 51.64 in the previous period. Additionally, the standard deviation is higher, indicating a slightly higher level of variation among stop lengths. This is likely attributable to the activities occurring in the stops selected for the current sample. For example, in the previous reporting period, roughly 6.16% of stops involved a canine deployment while 16.9% of stops in the current reporting period involve canine deployments.

Duration of Stops

Table Twelve displays the average length of the motor vehicle stops sampled in this reporting period. The first row in the table presents the average length of all stops in the sample, 65.00 minutes. This number is a sizeable increase from the average from the fourth period, which was 51.64 minutes, but

still less than the average in the third reporting period, which was 81.10 minutes. This dramatic change most likely stems from the changes to the sampled stops for this period. In the third and current reporting periods, RAS consent to search requests make up a large portion of the sample while in the fourth reporting period, less than 20% of the sample involved RAS consent to search requests. Additionally, the fourth reporting period utilized a sample selected because the driver denied a consent to search request. Thus, there was no search to execute, likely shortening the motor vehicle stop.

Table Twelve: Average Length (minutes) of Motor Vehicle Stops
5th OLEPS Reporting Period

	Average Stop Length
All Stops	65.00
All stops with Consent Requests	67.88
RAS Consent Requests	93.32
PC Consent Requests	50.41
Consent Granted	69.76
Consent Denied	60.41
Canine Deployment	112.43
Consent Requests & Canine Deployments	113.99
Consent Granted & Canine Deployed	120.59
Consent Denied & Canine Deployed	97.61

Since the majority of stops have a consent request, as that is a selection criterion for the sample, the average length of stops with consent requests and the average length of all stops are very close. The average length of all stops with consent requests is 67.88 minutes, only slightly higher than the 65.00 minute average for all stops. There is a difference between the length of RAS consent request stops and PC consent request stops. This is likely due to the time it may take to accumulate RAS whereas PC is either present or not. The average stop length for stops with a PC consent request was 50.41 minutes while the average for RAS consents was 93.32 minutes. An independent samples *t*-test can determine whether this difference is statistically significant. The *t*-test revealed a statistically reliable difference between the mean length of stops with PC consent requests (M=50.41, s=23.64) and those with RAS consent requests (M=93.32, s=38.01), $t(462)=14.97$, $p=.000$, $\alpha=.05$ (two-tailed). This means that there is a statistically significant difference between RAS and PC consent requests. Because of the high value of the *t* statistic and significance level (*p)*, it can also be surmised that a one-tailed *t*-test would be significant,[18] indicating that the length of stops with RAS consent requests are not only different than PC consent requests, but they are also significantly longer than PC consent request stops, $\alpha=.005$.

There is also a difference in the length of stops where consent was granted compared to those where consent was denied. Stops with consent searches that were granted have an average stop length of 69.76 minutes while those with consent searches that were denied have an average stop length of

[18] Because SPSS only calculates two-tailed significance for an Independent Samples *t*-test, one-tailed significance is determined by dividing the *p*-value in half. In this case, .000 divided by 2 is still .000 and is still significant.

60.41 minutes. An independent samples *t*-test was used to determine whether this difference was indeed statistically significant. The results indicate that there is a significant difference between the length of stops where a consent request was granted (M=69.76, s=37.39) and where a consent request was denied (M=60.42, s=34.11), $t(462)=2.191$, $p=.029$, $\alpha=.05$ (two-tailed). The *p*-value for the two-tailed test would still be significant in a one-tailed test, indicating that the difference between stops with granted and denied consent to search requests is orderable; stops with granted consent requests are significantly longer than those with denied consent to search requests, $\alpha=.025$.

The average length of a motor vehicle stop with a canine deployment is 112.43 minutes, considerably longer than the average length for all other stops. An independent samples *t*-test revealed a significant difference in stop length for those with a canine deployment (M=112.43, s=37.11) and without a canine deployment (M=55.73, s=28.93), $t(524)=15.812$, $p=.000$, $\alpha=.05$ (two-tailed). Due to the high *p*-value, a one-tailed test would also be significant indicating that stops with canine deployments are significantly longer than those without canine deployments, $\alpha=.005$.

Naturally, as motor vehicle stops involve more enforcement activities, the length of the stop increases. Thus, it is expected that a stop with a consent request and a canine deployment would be longer than a stop with only a consent request. Motor vehicle stops with consent requests and canine deployments have an average stop length of 113.98. Breaking this down by granted and denied consent requests indicates a much larger difference. Stops with a granted consent search and a canine deployment had an average length of 120.59 minutes while those stops with a denied request and a canine deployment had an average length of only 97.61 minutes. Results of an independent samples *t*-test did find a statistically significant difference between stops with a canine deployment and a granted consent request (M=120.59, s=37.98) and those with a canine deployment and denied consent request (M=97.61, s=31.36), $t(78)=2.568$, $p=.012$, $\alpha=.05$ (two-tailed). A one-tailed test would also be significant indicating that stops with granted consent searches and canine deployments are significantly longer than those with denied consent searches and canine deployments, $\alpha=.025$.

Table Thirteen: Average Length (minutes) of Motor Vehicle Stops by Race/Ethnicity

5th OLEPS Reporting Period

Part A

	All Stops	Consents	RAS Consent	PC Consents
White	58.63	60.78	84.96	44.15
Black	69.94	72.65	96.45	57.13
Hispanic	72.41	78.82	106.77	52.21
Asian	73.00	82.64	144.25	47.43
Other	32.00	32.00	---	32.00

4th OLEPS Reporting Period

Part B

	All Stops	Consents	RAS Consent	PC Consents
White	45.62	46.59	73.78	40.85
Black	55.64	56.88	88.35	47.11
Hispanic	58.47	59.27	105.15	52.93
Asian	48.15	48.15	57.50	46.45
Other	64.00	64.00	---	64.00

Racial and ethnic differences in the length of motor vehicle stops are also explored. The first column in Table Thirteen presents the average length of all motor vehicle stops reviewed in this reporting period based on race and ethnicity. White drivers have an average stop length at 58.63 minutes, while Black drivers have an average of 69.94 minutes, and Hispanic drivers have an average of 72.41 minutes. Other drivers have an average stop length of 32.00 minutes and Asian drivers have an average of 73.00 minutes.

All Stops

Significant differences between the average length of stop for all stops were found between White (M=58.63, s=32.02) and Black drivers (M=69.94, s=36.51), $t(450)=-3.51$, $p=.000$, $\alpha=.05$ (two-tailed). The negative t statistic indicates that a one-tailed test would conclude that the length of stops for White drivers is significantly less than the length of stops for Black drivers. A significant difference was also found in the length of stop for White drivers (M=58.63, s=32.02) and Hispanic drivers (M=72.41, s=45.17), $t(300)=-2.71$, $p=.000$, $\alpha=.05$ (two-tailed). A one-tailed t-test would indicate the length of stops for White drivers are significantly lower than the length of stops for Hispanic drivers. In sum, White drivers have the shortest average stop length despite the length of Other drivers being 32 minutes. This difference was not significant due to the small number of drivers who were classified as Other. Since the differences between Black and Hispanic drivers were not found to be significant, we cannot rank the average length of stops in any way other than stating that White drivers have stops that are, on average, shorter than Black drivers and Hispanic drivers.

The average stop length for all stops in each racial/ethnic group is slightly longer in this reporting period compared to the previous reporting period (Part B of Table Thirteen). This difference likely results from sample composition; the previous reporting period was largely comprised of stops with consent to search requests that were denied. The average stop length increased for all racial/ethnic groups, except Other drivers. The average stop length for denied consent requests reduced by half. However, there was only one stop with a driver classified as Other, so the average stop length is not a true average, but rather the length for one stop. The largest increase in average stop length was for Asian drivers, whose average stop length went from 48.15 to 73.00 minutes.

Consent Requests

In the current reporting period, for all racial/ethnic groups, the average length of motor vehicle stops with consent to search request[19] either remained unchanged or increased slightly compared to the average for all motor vehicle stops. The average length of motor vehicle stops increased for White drivers from 46.59 minutes to 60.78 minutes, for Black drivers from 56.88 minutes to 72.65 minutes, for Hispanic drivers from 59.27 minutes to 78.82 minutes, and for Asian drivers from 48.15 to 82.64 minutes. The average for Other drivers, as mentioned above, decreased.

An independent samples t-test revealed significant differences between the length of consent request stops for White drivers (M=60.78, s=32.35) and Black drivers (M=72.65, s=35.59), $t(404)=-3.519$, $p=.000$, $\alpha=.05$ (two-tailed). Again, the negative t-statistic indicates that a one-tailed test would conclude that the consent to search request stops with White drivers were significantly shorter than those with Black drivers. A significant difference was also found for the length of consent request stops with White drivers (M=60.78, s=32.35) and Hispanic drivers (M=78.82, s=46.30), $t(260)=-3.16$, $p=.002$, $\alpha=.05$ (two-tailed). A one-tailed test would indicate that White drivers have significantly

[19] This assessment includes both denied and granted consent to search requests.

shorter stops with a consent request than Hispanic drivers. A significant difference was also found for the length of consent request stops with White drivers (M=60.78, s=32.35) and Asian drivers (M=82.63, s=67.53), $t(225)=-2.04$, $p=.043$, $\alpha=.05$ (two-tailed). A one-tailed test would indicate that White drivers have significantly shorter stops with a consent request than Asian drivers.

Compared to the average length of stops with consent to search requests in the previous reporting period, the average length of stops with consent to search requests increased substantially. Thus, on average, consent to search request stops are longer than the average for all stops in the current and previous reporting periods. Again, this is likely due to the current sample involving a higher number of granted than denied consent to search requests.

RAS Consent Requests

As seen in Table Thirteen, the average length of all stops with RAS consent requests is much higher than the average for stops with any consent requests. The same results are found when examined by race and ethnicity. Unlike the previous reporting period, Asian drivers had the longest average stop length for RAS consent requests with 144.25 minutes, followed by Hispanic drivers with 106.77 minutes, Black drivers with 96.45 minutes, and finally White drivers with an average of 84.96 minutes.

An independent samples *t*-test found a statistically significant difference between the length of stops with RAS consent requests for White drivers (M=84.96, s=33.39) and Black drivers (M=96.45,s=35.47), $t(161)=-2.13$, $p=.035$, $\alpha=.05$ (two-tailed). A one-tailed significance test would indicate that the length of stops with RAS consent requests for White drivers were significantly shorter than the same stops for Black drivers. An independent samples *t*-test also revealed a significant difference in the length of stops with RAS consent requests for White drivers (M=84.96, s=33.39) and Hispanic drivers (M=106.77, s=45.48), $t(108)=-2.54$, $p=.013$, $\alpha=.05$ (two-tailed). A one-tailed significance test indicates that length of stops for White drivers is significantly less than that of Hispanic drivers. A significant difference was also found for the length of consent request stops with White drivers (M=84.96, s=33.39) and Asian drivers (M=144.25, s=74.93), $t(90)=-3.26$, $p=.002$, $\alpha=.05$ (two-tailed). A one-tailed test would indicate that White drivers have significantly shorter stops with an RAS consent request than Asian drivers. Unlike previous reporting periods, a significant difference was also found for the length of consent request stops with Black drivers (M=96.45,s=35.47) and Asian drivers (M=144.25, s=74.93), $t(77)=-2.47$, $p=.016$, $\alpha=.05$ (two-tailed), indicating that Black drivers have significantly shorter stops with an RAS consent request than Asian drivers.

Due to non-significant differences between other groups, ranking of all groups cannot be done. However, the relationships observed do indicate that White drivers, on average, have the shortest RAS consent to search stops and Asian drivers have the longest stops. Because the comparison between Black and Hispanic drivers was not significant, it cannot be determined which group had lengthier stops. However, both group have longer stops than White drivers and Black drivers have stops shorter than Asian drivers.

As with the average length of all stops, the average length of motor vehicle stops with RAS consent requests increased since the last reporting period. The average length for White drivers increased from 73.78 minutes to 84.96 minutes. The average length for Black drivers increased from 88.35 to 96.45 minutes. For Hispanic drivers, the change was small, increasing from 105.15 minutes to 106.77 minutes. The largest increase was for Asian drivers, who previously averaged 57.50 minutes and now average 144.25 minutes.

PC Consent Requests

Stops with PC consent requests are generally shorter than stops with RAS consent requests, as shown in Table Thirteen. Overall, Other drivers had the shortest average length of PC consent request stops at 32 minutes. White drivers had an average of 44.13 minutes, Asian drivers had an average of 47.43 minutes, Hispanic drivers had an average of 52.21 minutes, and Black drivers had the highest average with 57.13 minutes. An independent samples *t*-test found a statistically significant difference between the length of stops with PC consent requests for White drivers (M=44.15, s=18.01) and Black drivers (M=57.13,s=25.85), $t(241)=-4.58$ $p=.000$, $\alpha=.05$ (two-tailed). A one-tailed significance test would indicate that the length of stops with PC consent requests for White drivers were significantly shorter than the same stops for Black drivers. An independent samples *t*-test also revealed a significant difference in the length of stops with PC consent requests for White drivers (M=44.15, s=18.01) and Hispanic drivers (M=52.21, s=29.55), $t(150)=-2.01$, $p=.046$, $\alpha=.05$ (two-tailed). A one-tailed significance test indicates that length of stops for White drivers is significantly less than that of Hispanic drivers. No other significant differences in length of PC consent stops were observed.

Asian Drivers

The average length of stops with Asian drivers increased dramatically from the previous to current reporting period. OLEPS further reviewed these stops to determine whether there were any unforeseen issues with these stops that might unnecessarily prolong their length.

For several years, both the State Police and OLEPS have noted that Asian drivers have a high likelihood of receiving a summons during a motor vehicle stop. This likelihood has informally been linked to cultural and language differences. Rather than struggling to understand one another, both the trooper and the driver may acquiesce to each other's behavior, shortening the stop. However, the pattern observed during this reporting period suggests the opposite. Asian drivers have the longest average stop in all categories except PC consent to search requests.

First, the number of Asian drivers in the current reporting period is small compared to other racial/ethnic groups. There were only 14 Asian drivers in this period and 13 in the previous reporting period. This means that each stop has a profound impact on the average, more so when there are higher numbers of stops.

The longest stop involving an Asian driver was 236 minutes, almost four hours. This motor vehicle stop was a stop of a car carrier rather than an individual car. During the stop, the State Police noted a vehicle loaded onto the truck was actually running. Each vehicle on the truck was checked in several databases. Additionally, an interpreter was needed for the stop as the driver only spoke Korean. Finally, the stop also involved a canine deployment, which as discussed above, often lengthens the stop. Without this stop, the average stop length for Asian drivers would have only been 60 minutes, less than the average for all groups except White and Other drivers and fitting the pattern from the previous reporting period.

Because there are so few stops with Asian drivers, one lengthy stop can have a large effect on the average length of all stops. Without the longest stop for Asian drivers, the average for the group is more in line with the average for all other groups.

Summary of Standard 8

OLEPS' review of the length of motor vehicle stops revealed a dramatic increase in the length of all stops and all categories of stops for the majority of racial/ethnic groups. However, this change is likely due to sample selection since the previous reporting period contained a large sample of stops with denied consent to search requests. Overall, OLEPS' review found the length of stops to be consistent with, albeit, higher than the previous period. The average length of stops for Asian drivers was much higher than the expected average, resulting from one complex stop that lasted nearly four hours. This finding highlights the importance of understanding sample size in analysis. While the increase in stop length is very large, it is explainable given the few number of stops creating that average and the activities within those stops. OLEPS will continue to examine the length of motor vehicle stops, paying close attention to any potential racial/ethnic disparities, especially for White drivers who have the shortest average stop length.

Supervisory Review

Performance Standard 9: Supervisory Review of Motor Vehicle Stops

Standards

According to State Police policies and procedures, motor vehicle stops must be reviewed by State Police supervisory personnel. Specifically, all critical incidents were required to be reviewed in this reporting period. These reviews are detailed and require the supervisor to assess adherence to policies and procedures, and to assess whether legal standards (RAS or PC) are met.

This standard refers to errors made in connection with any aspect of any motor vehicle stop (from appropriate levels of RAS or PC to reporting and recording requirements). Because this standard assesses supervisory review, a violation of policy made by a trooper is an error when it is found by OLEPS and not noted by a previous State Police supervisory review. This standard refers to ALL errors not caught by supervisory review.

Assessment

In the current reporting period, OLEPS no longer assesses the number of errors not caught by supervisory review in comparison to a specific percentage. This discussion instead will focus on the volume of errors and any patterns observed.

The State Police have specific guidelines that detail the requirements, trooper responsibilities, and appropriate actions required in motor vehicle stops. To ensure adherence to these procedures, supervisory personnel in the State Police review motor vehicle stops to determine whether all requirements were followed and that there were no violations of individual rights or deviations from policy. In addition, OLEPS reviews these motor vehicle stops and notes instances in which supervisors did or did not identify violations of State Police policies and procedures.

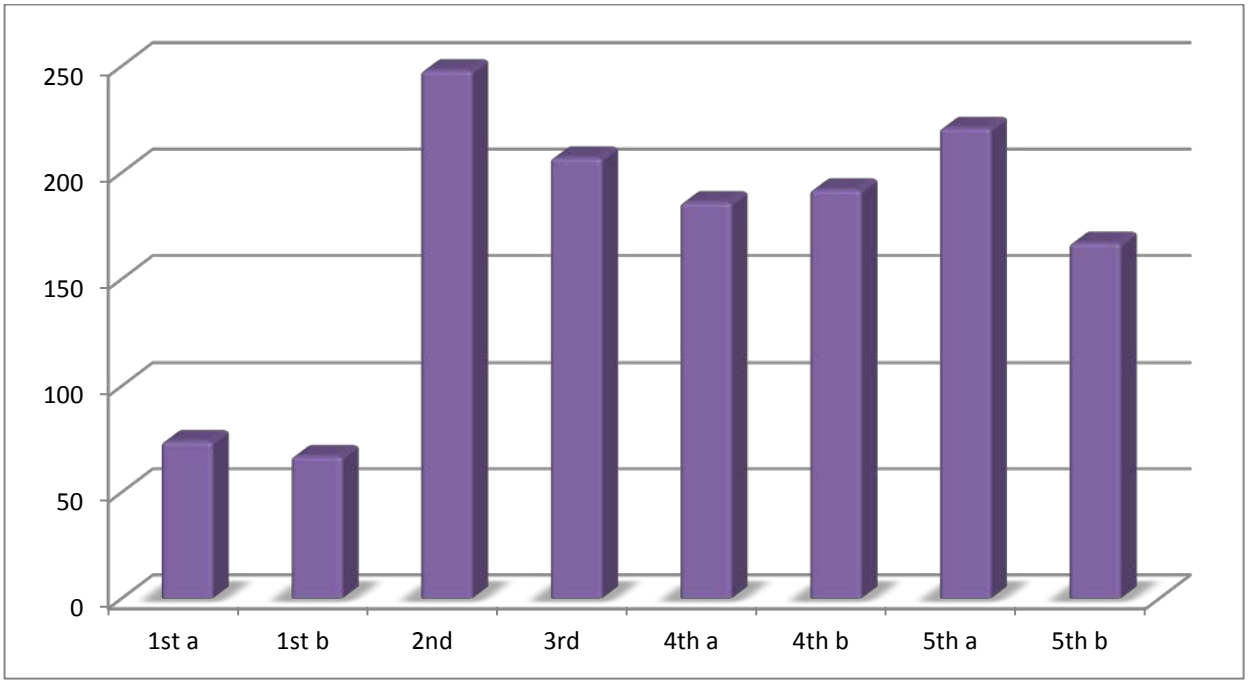
Errors

In the current reporting period, 391 stops contained errors, slightly more than the number of stops with errors found in the previous reporting period. In the first half of the year there were 223 stops with errors while there were 168 stops with errors in the second half of the year. The first half of 2011 had more errors than the first half of 2010 (4th a), but still less than the first half of 2009 (2nd reporting period). The second half of 2011 had far fewer errors in motor vehicle stops, fewer than all reporting periods other than the 1st.

Of the 391 stops with errors, 291 contained errors caught by the State Police and 186 contained errors not caught by supervisory review.[20] That is, 35.63% of all motor vehicle stops contained an error not caught by supervisory review. This percentage is much higher than the 10.36% in the previous reporting period. This increase is likely the result of changes to the motor vehicle stop review schedule. Beginning in July 2011, the State Police began a pilot program relating to motor vehicle stop reviews. This program retained the required reviews of critical stops, but non-critical stops would undergo a selection process rather than all stops being reviewed. However, only 27 stops with uncaught errors were not reviewed. Given this, there are only 159 stops with errors not caught that had the opportunity to be caught.

Figure Ten: Total Errors, by Reporting Period[21]

1st through 5th OLEPS Reporting Periods

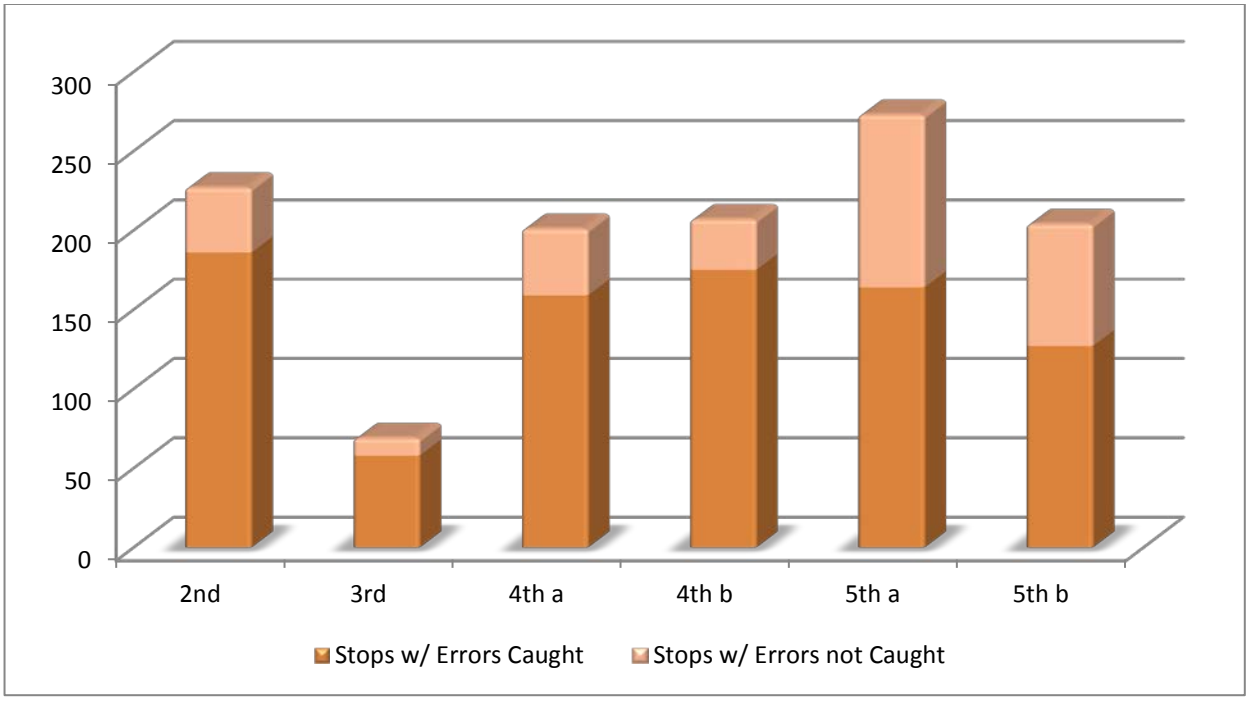


OLEPS has noted for several reporting periods, that the State Police do catch the majority of errors made in stops. Figure Eleven presents the number of stops where errors were caught and the number of stops where errors were not caught. In a single stop, some errors may be caught while other errors are not caught, each stop can appear as either a stop with errors caught, a stop with errors not caught, or both. Thus, the total number of stops presented for each reporting period, is generally more than the total number of stops with any error. As shown in Figure Eleven, the number of stops where errors are caught is generally much higher than the number of stops where errors are not caught. However, the proportion of stops with errors not caught increased in the current reporting period compared to the fourth and third reporting periods. While the total number of stops with errors is increasing, the total number of stops where errors are not caught is also increasing.

[20] 27 of these stops did not receive a supervisory review by the State Police.

[21] The high number of errors noted in the 2nd reporting period are generally procedural in nature and stem from changes pursuant to Peña-Flores.

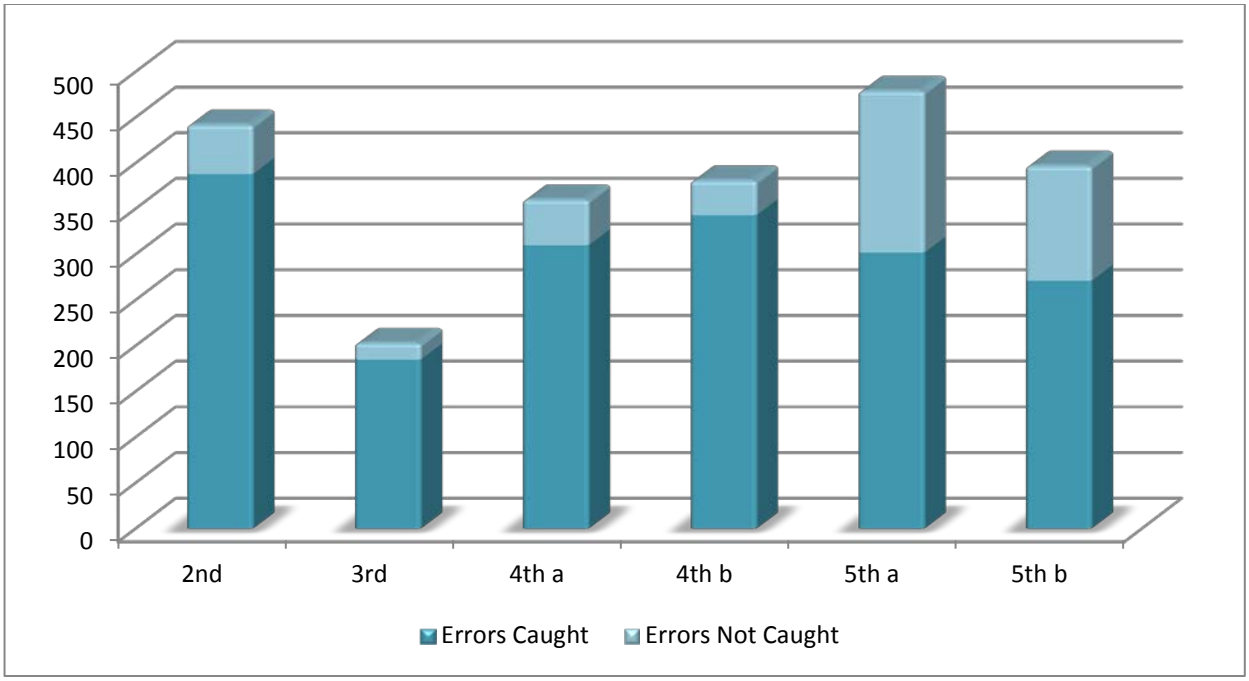
Figure Eleven: Stops with Errors Caught v. Stops with Errors not Caught
2nd through 5th OLEPS Reporting Periods



Because each stop may include both errors caught and errors not caught, Figure Twelve presents the total number of errors that were caught and the total number of errors that were not caught. In the current reporting period, while there were only 391 motor vehicle stops with errors, there were 876 errors in those 391 stops. The total number of errors has historically been much higher than the total number of stops with an error. As can be seen in Figure Twelve, the State Police generally catch more errors than OLEPS. However, as noted previously, the proportion not caught has increased in recent reporting periods. In the current reporting period, OLEPS noted 303 errors while the State Police noted 573 errors. Both the number caught and the number not caught are much larger than in the previous period where the State Police caught 653 errors and OLEPS only noted 88.

Figures Ten through Twelve highlight the troubling trend of increasing numbers of errors made during motor vehicle stops. Previous reporting periods (i.e., third and first) noted much smaller numbers of errors. These issues are likely due to the selection of stops reviewed by OLEPS. However, the State Police have altered their motor vehicle stop review schedule, meaning that OLEPS will likely review more stops that the State Police have not reviewed. OLEPS recommends that the State Police increase their level of detail during motor vehicle stop reviews and hopes that future reporting periods will have much higher numbers of errors caught by the State Police than by OLEPS.

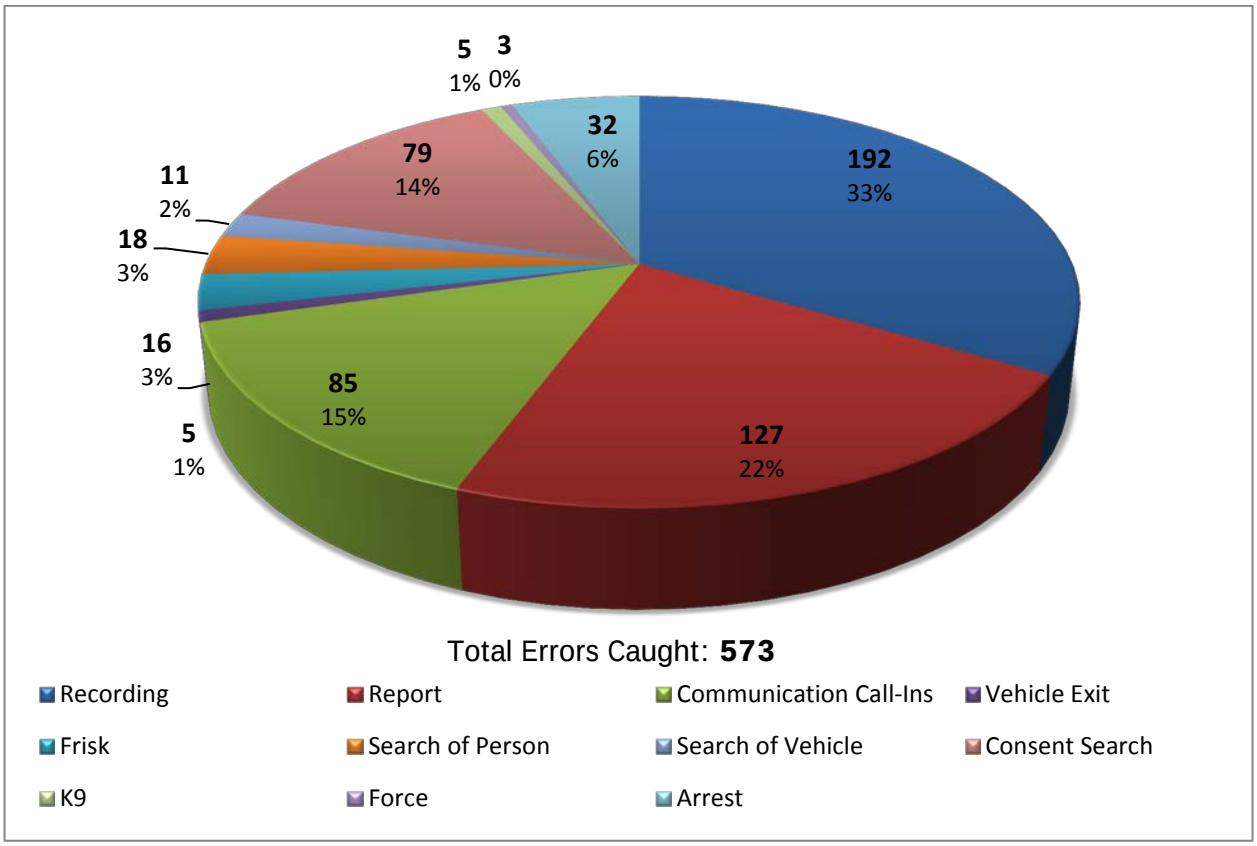
Figure Twelve: Errors Caught v. Errors not Caught
2nd through 5th OLEPS Reporting Periods



Types of Errors

Errors can further be classified based upon the type of error. Certain errors refer to actions that are procedural in nature, that is, they are governed only by State Police procedures. Other errors refer to actions that are constitutional in nature, in that they touch upon an individual's constitutional rights. OLEPS has classified errors into several categories based on the nature of the error. Recording errors are those referring to whether recording was activated at the beginning of the motor vehicle stop and whether the audio and video continued to the completion of the stop. Reporting errors are errors made in filing of the motor vehicle stop report or the investigation report. Communication Call-In errors are failures of a trooper to call-in the appropriate information to the communication center. These call-ins are detailed in Performance Standard Five. Vehicle exit errors are those made when an individual is asked to exit a vehicle. Frisk errors are those made during the course of a frisk. Search of a person and search of a vehicle are errors made when searching a person or vehicle, respectively, without their consent. Consent search errors are those made in connection with the rules governing consent to search requests, including all reporting and recording requirements. Canine deployment errors are made when a canine is deployed. Use of force errors are made during a use of force. Arrest errors are those made during the course of an arrest. For all of the aforementioned categories, the errors may stem from violations of individual's rights or violations of State Police policy. Figure Thirteen presents this categorization for all errors caught in the current reporting period.

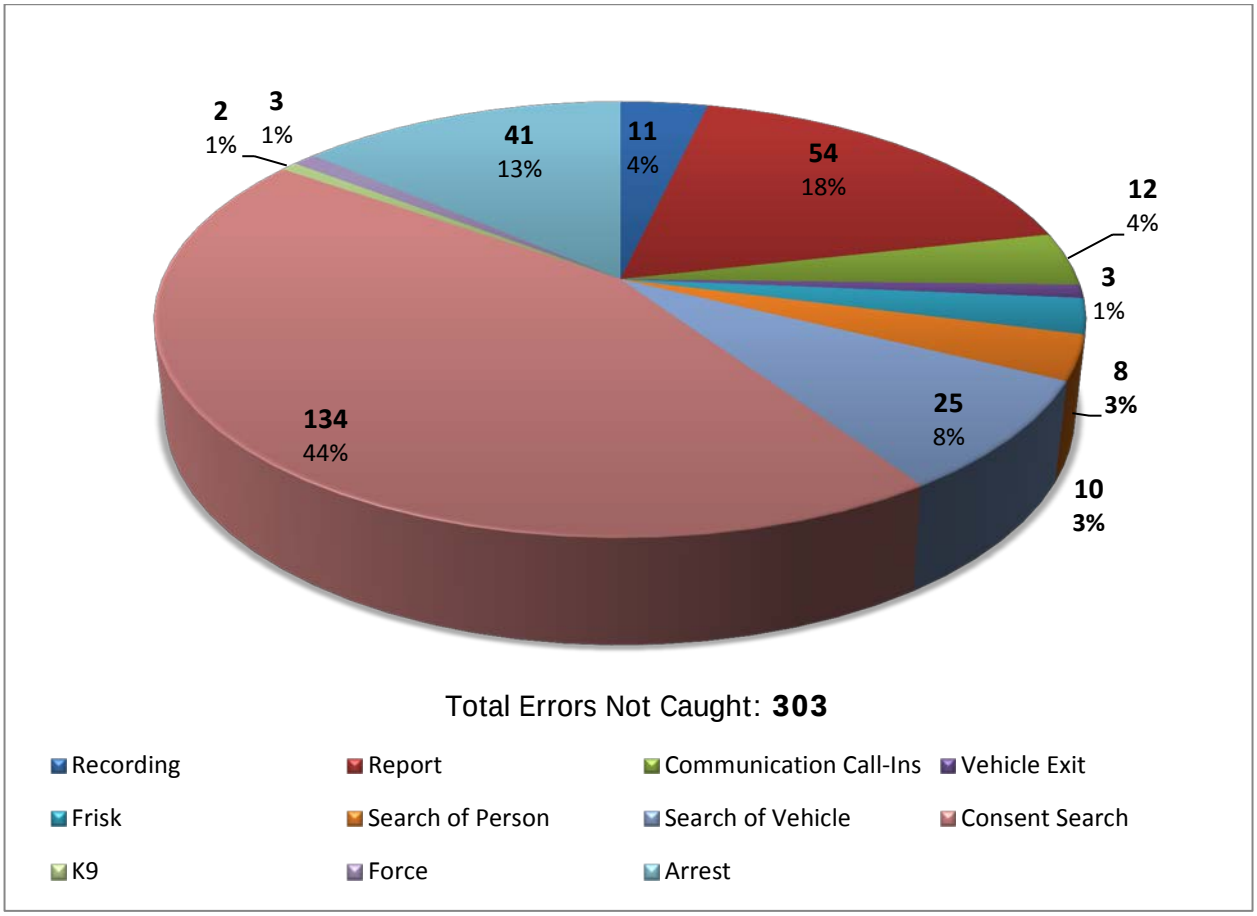
Figure Thirteen: Type of Errors Caught
5th OLEPS Reporting Period



The most common errors caught by the State Police for this reporting period are recording errors. State Police supervisory review noted 192 errors pertaining to the recording of motor vehicle stops. The other most common type of error caught were those pertaining to reporting. State Police supervisory review noted 127 errors in reports. In total, these two categories of errors account for over half of the errors caught. Of the 573 errors caught by the State Police, 319 were errors caught pertaining to reporting and recording of motor vehicle stops.

If the State Police caught a large number of errors in a particular category, it might be expected that errors not caught in that category, should be low. As seen in Figure Fourteen, generally, that appears to be the case. In 2011, there were only 11 recording errors not caught. Compared to the 192 errors caught, it appears that the State Police did a fairly comprehensive job of noting these errors. In contrast, there were 134 errors noted by OLEPS pertaining to consent to search requests that the State Police did not note, the majority of which pertain to appropriate documentation of the search. However, the State Police did note 79 errors pertaining to a consent to search request. Overall, OLEPS noted 303 errors not previously noted by the State Police.

Figure Fourteen: Type of Errors Not Caught
5th OLEPS Reporting Period



For the majority of categories of errors, OLEPS noted fewer errors not caught by the State Police than the number caught by the State Police, with few exceptions. OLEPS noted more errors pertaining to the search of a vehicle, consent to search requests, uses of force, and arrests than the State Police.

Level of Review

The number of supervisory reviews conducted at the supervisor, station management, and troop level have been assessed in previous reporting periods. However, the level of review is not assessed in this report. The State Police and OLEPS did not agree on what the appropriate level of review should be. According to State Police policy, reviews of critical incidents should be conducted by troop level administrative officers, rather than a trooper's immediate supervisor. OLEPS has recommended that supervisory reviews be conducted by an immediate supervisor or station management to facilitate the flow of information regarding the quality of the stop back to the trooper. In an effort to compromise, OLEPS no longer objects to the State Police conducting reviews at the troop level, but strongly recommends that interventions be issued for all errors noted by the State Police to ensure that the individual trooper is informed of his or her error.

Interventions

Interventions are a tool used by the State Police directed toward improving a member's performance. Interventions are recorded in MAPPS and generally, memorialize a supervisors' review of a troopers' activities. Interventions may be positive or negative; they may commend a trooper for a job well done or note a deficiency in a trooper's behavior. Interventions are vital to a trooper's improvement as they are likely the only searchable and accessible record of a supervisor's comments. For example, an intervention may be utilized to note that a trooper routinely failed to activate video recordings on motor vehicle stops. An intervention allows the trooper to see the supervisors' feedback and allows future supervisors to review the feedback. Without an intervention, a future supervisor might be unaware of any areas where a trooper might need improvement, and thus, be unaware that the next level of remedialization might be more effective after repeated instances of failure to activate a video recording.

OLEPS examined the extent to which supervisors note that they informed the trooper of errors by reviewing MAPPS for evidence of interventions. According to State Police policy, interventions are required when a supervisor notes that a trooper has made an error during a motor vehicle stop. The current reporting period is the first where OLEPS recorded the number of interventions issued. While the State Police did catch errors in 291 stops, there were only 73 stops with an error that had an intervention. Thus, only about 25% of all errors caught by State Police resulted in an intervention. Since this is the first reporting period in which the number of interventions has been assessed, OLEPS will merely recommend that State Police place priority on notifying troopers of errors committed during motor vehicle stops. In 2012, OLEPS and the Field Operations Section discussed the lack of use of interventions, agreeing that interventions should be utilized when an error is made. Since that meeting, the State Police has issued memos reiterating the protocol when an error has been made. OLEPS anticipates that the number of stops with interventions will increase in future reporting periods as the State Police fully adopt this policy.

Noted Issue: Miranda

Supervisory review is intended to ensure that troopers are following all protocols, procedures, and rules governing motor vehicle stops. For several reporting periods, OLEPS has informed the State Police of concerns stemming from Miranda violations, especially in the wake of Peña-Flores. In the current reporting period, there were, again, a high number of Miranda violations. There were 37 motor vehicle stops where a driver was not appropriately notified of his or her rights as determined by Miranda. There were also 15 stops where a driver was arrested and a trooper did not properly notify him/her of his/her Miranda rights. Only six of these stops resulted in an intervention.

Additionally, there were 21 stops where passenger 1 was arrested and not properly notified of Miranda. The State Police noted nine of these errors and issued four interventions. However, the State Police failed to note 12 Miranda violations.

Finally, there were only four stops where a trooper did not properly issue Miranda during the arrest of passenger 2. However, two of these errors were noted in supervisory review and one intervention was issued. The remaining two stops were not caught by State Police review.

Summary of Standard 9

Supervisory review of motor vehicle stops caught a higher proportion of errors in the current reporting period than the previous. OLEPS continues to recommend that the State Police appropriately record errors in motor vehicle stops as interventions to ensure that troopers are being properly notified. As noted previously, interventions are a newly examined facet of review for OLEPS. Interventions are a vital tool for self-analysis, allowing both troopers and supervisors to record areas of both excellence and improvement. OLEPS continues to recommend that the State Police more appropriately and effectively utilize the intervention tool.

Performance Standard 10: Supervisory Referral to OPS

Standards

If it is determined that the conduct recorded during a motor vehicle stop reasonably indicates misconduct (e.g., an intentional failure to follow any of the documentation requirements of State Police policies, procedures or operating procedures, an intentional constitutional violation, an unreasonable use of force or a threat of force), a Reportable Incident Form is required to be filled out.

This standard will be assessed through OLEPS' review of stops and audit of OPS.

Assessment

OLEPS has reviewed records of referrals to OPS based on actions or omissions by road personnel. Such referrals are rare. During the current reporting period, OLEPS did not find any incidents that should have been referred to OPS but had not been.

Performance Standard 11: Supervisory Presence in the Field

Standard

This standard remains unchanged from the Consent Decree:

> *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.*

In light of motor vehicle stop review requirements that take up much of a supervisor's available road time, a specific numeric requirement of supervisory presence will not be given at this time. Since the State Police is exploring potential changes to their MVS Review plan, an official requirement will not be specified until that new system is in place. In the interim, the State Police should, at minimum, maintain, but ideally, improve, their rate of supervisory presence in the field.

Overview

OLEPS has noted a trend of declining supervisory presence for several reporting periods. In the current reporting period, 218 motor vehicle stops, or 41.44% of all stops reviewed had a supervisor present during the stop. This is an increase from the percentage of supervisor presence in the previous reporting periods. Only 34.73% of all stops reviewed in the fourth reporting period had a supervisor present at the scene of the stop. OLEPS recognizes the increase in supervisory presence noted for this reporting period and continues to strongly recommend increased supervisory presence in the field.

Supervisors were present in 42.45% of all stops with consent requests, 57.83% of all stops with canine deployments, and 36.17% of stops with uses of force. Compared to the previous reporting period, there were more supervisors present in stops with consent requests in this period and fewer supervisors present in stops with canine deployments or uses of force in this reporting period.

OLEPS anticipates increases in supervisory presence in the field in the coming reporting periods, especially since the State Police has implemented a revised review schedule for motor vehicle stops in 2011, which should allow supervisors more time to perform supervisory duties other than motor vehicle stop reviews.

Office of Professional Standards & Investigations

OLEPS monitors the Office of Professional Standards (OPS) based on the timeliness of investigations, the appropriateness of investigations, and an audit of the citizen complaint process.

Methodology

Currently, OLEPS monitors the activities of OPS in two ways. First, OLEPS conducts a legal review of substantiated disciplinary investigations. The purpose of each legal review is to determine whether there is sufficient evidence to move forward with disciplinary action; that is, whether the findings are supported by a preponderance of evidence. This is accomplished by examining the investigative activities undertaken by OPS and assessing the quality and admissibility of the evidence. OLEPS also reviews the proposed penalty for each substantiated investigation. In conducting its review, OLEPS has full access to MAPPS and IA-PRO information concerning the trooper's prior disciplinary history. This information is evaluated in conjunction with the evidence developed in the investigation before disciplinary charges are filed and a penalty recommended. OLEPS also reviews the proposed penalty for each substantiated investigation, providing guidance and advice on the level of discipline imposed to guarantee that it is appropriate and fair. In doing so, OLEPS may consider: the member's history of discipline; discipline imposed on other members with the same or similar substantiated charges; and any other factors deemed relevant to the recommendation of discipline.

Second, OLEPS conducts audits of OPS investigations on a biannual basis. The audits determine if the evidence in the case supports the findings of either "substantiated," "insufficient evidence," "exonerated," or "unfounded." The audits involve a review of all complaints regarding racial profiling, disparate treatment, excessive force, illegal or improper searches, false arrests, and domestic violence. In addition to a review of these complaints, a sample of all other complaints received by the State Police is selected for review. For each complaint, a complete review of the written investigative file is conducted. In some instances, those reviews lead to a review of all available investigative evidence, such as audio and video tapes assembled by OPS.

Performance Standard 12: Appropriate & Timely Investigations

Standards

OPS is required to attempt to complete misconduct investigations within 120 working days. In instances where an investigator believes the case will extend beyond 120 working days, an extension is required to be filed with the IAIB Bureau Chief.

Additionally, discipline should be appropriate to the case and must be proportionate to the facts, circumstances, nature, scope of the misconduct case, past disciplinary history of the trooper, and comparable substantively similar charges.

OLEPS may re-open any cases for further investigation.

Assessment

In the current reporting period, OLEPS performed two audits of investigations conducted by OPS. Each audit covered a period of six months: January 1, 2011- June 30, 2011 and July 1, 2011- December 31, 2011.

The first audit consisted of a review of 116 closed misconduct cases. Of this total, 77 consisted of complaints involving racial profiling, disparate treatment, excessive force, illegal or improper searches, and domestic violence. An additional 39 cases were randomly selected for review from all other misconduct investigations. Reviews of the written files for all 116 closed investigations were conducted. An additional review of audio and video evidence was conducted for 11 cases.

The second audit consisted of a review of 73 closed misconduct cases. Of this total, 41 consisted of complaints involving racial profiling, disparate treatment, excessive force, illegal or improper searches, and domestic violence. An additional 32 cases were randomly selected for review from all other misconduct investigations. Reviews of the written files for all 73 closed investigations were conducted. An additional review of audio and video evidence was conducted for three cases.

Investigation Length

During the OLEPS audit of OPS, OLEPS examined the length of misconduct investigations to determine if they were appropriate based on justifiable reasons. These reasons include:

- Pending criminal investigation/prosecution
- Concurrent investigation by another jurisdiction/plea
- Witness unavailability
- Evidence unavailability
- Investigator changes
- Changes to the investigation (addition or change to allegations/principals)

- Case complexity (i.e., number of principals, witnesses, allegations)
- Conflict of interest development
- Criminal conspiracy requiring isolation of principal
- Awaiting opinion from DAG/county prosecutor

In the current reporting period, there were several cases in the second audit where OLEPS investigators were concerned about the length of the investigation. In total, there were eight cases where OLEPS could not determine an appropriate reason for length of the investigation. In these cases, OLEPS determined that OPS failed to appropriately document any good faith basis explaining why the investigation could not be completed within the proper time period. The effectiveness of discipline is contingent upon timeliness and as such, overly lengthy investigations may render punishment ineffective. OPS was notified of OLEPS' findings on these cases and provided a response. OPS acknowledged the delay in cases and pointed out potential causes for these delays. Specifically, OPS pointed to overall staffing shortages as the cause for delays. These shortages mean first, that investigators must handle multiple cases simultaneously and second, that certain cases will be given priority over others. OPS has since instituted a policy whereby investigators are required to provide monthly updates on cases to ensure that all activity or inactivity is documented.

Appropriate Interventions

In addition to evaluating the investigation length of all misconduct cases, OLEPS also reviews the proposed penalty for each substantiated investigation. During this review, OLEPS has full access to the involved trooper's disciplinary history. This is evaluated in conjunction with the evidence developed by the investigation before disciplinary charges are filed and a penalty recommended. Disciplinary matters cannot move forward unless OLEPS has performed a legal sufficiency and penalty review. In 2011, OLEPS performed roughly 73 legal sufficiency and penalty reviews.

Re-Open Cases

OLEPS has the authority to re-open cases for further investigation. In the current reporting period, there were no cases that OLEPS determined should be re-opened.

Staffing Levels

Under the Decree, the State Police were required to maintain sufficient staffing levels in OPS. While OPS was released from the requirements of this specific task prior to the dissolution of the Decree, OLEPS has noted several reporting periods where the staffing levels of OPS have been lacking and likely caused case backlog. Because of this issue, OLEPS has again chosen to comment on staffing levels in OPS.

Central to the proper handling and administration of misconduct cases is the issue of appropriate staffing to investigate cases. For several reporting periods, OLEPS has noted a backlog of cases in OPS. Specifically, OLEPS has noted that investigators handle a high number of cases at a time, necessarily prioritizing certain cases over others. Accordingly, OPS' staff are overly burdened given their numerous responsibilities. Given the inherent uncertainty of investigations and the high caseload

of each investigator, investigations may extend beyond the 120 working day requirement. OLEPS has found justifiable reasons for delays (i.e., witness unavailability, criminal adjudication, and document collection), but notes that additional personnel would assist in the handling of cases. Additionally, OLEPS has noted many cases where delays result from investigator reassignment, often the result of troopers being transferred into and out of OPS in a short time period. Again, OLEPS recommends additional, long-term staff members be assigned to OPS, be they civilian or troopers. Misconduct cases cannot be handled in a timely manner or be fully investigated without appropriate personnel to investigate each case thoroughly.

Performance Standard 13: Internal Audits of Citizen Complaint Processes

Standards

According to State Police policies and procedures, the following requirements govern the citizen complaint process:

- All calls must be recorded
- All complaints reviewed as to whether they constitute allegations of misconduct and whether the allegation is:
    - criminal
    - requires administrative investigation
    - non-disciplinary performance matter
    - administratively closed

Assessment

OLEPS is tasked with auditing the citizen complaint process. This is accomplished through an audit of the complaint hotline, checking for proper classification and reception of complaints. This audit was performed twice during the reporting period. The first audit covered the time period of January 1, 2011- June 30, 2011. The second covered the time period of July 1, 2011-December 31, 2011. In the first audit, 78 complaint calls were made to the hotline and OLEPS reviewed roughly 10% of these calls, or eight randomly selected calls. All calls were found to be classified correctly and case files were appropriately opened for each call. In the second audit, there were a total of 91 calls on the hotline. OLEPS reviewed nine randomly selected phone calls from this reporting period. All calls were found to be classified correctly and case files were appropriately opened for each call.

Training

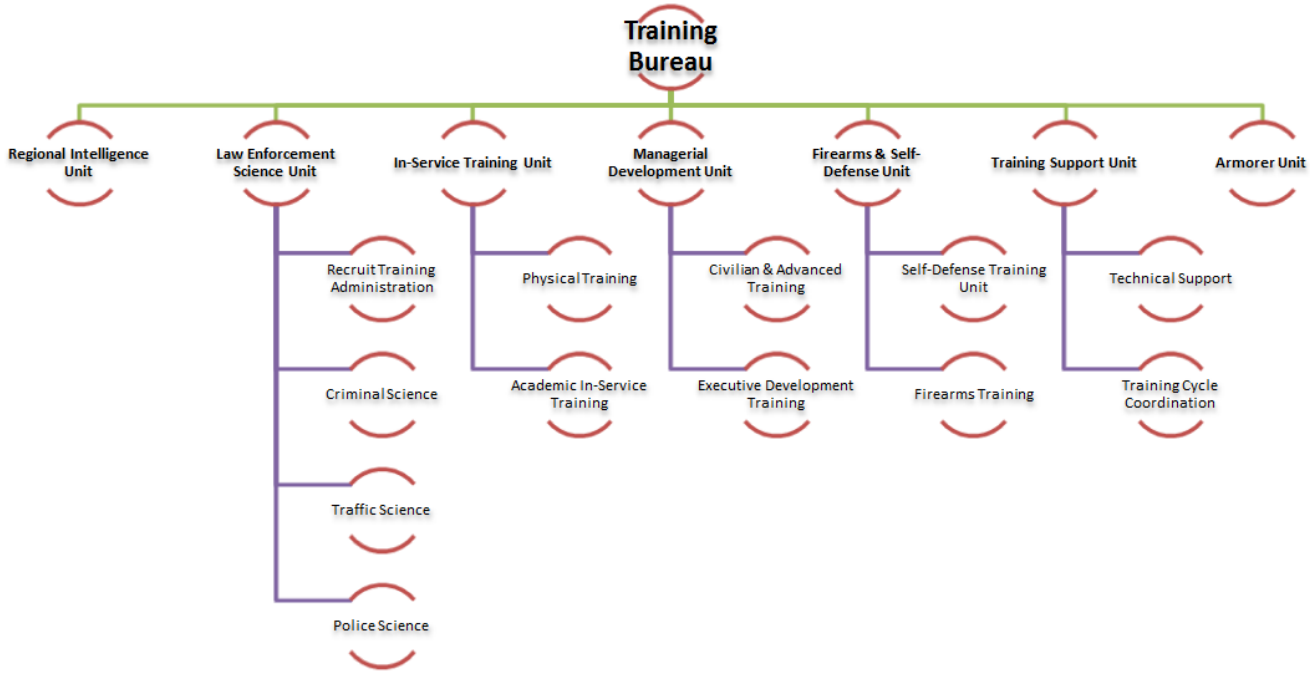
The New Jersey State Police Training Bureau (hereafter Training Bureau) shall continue its mandate to oversee and ensure the quality of training for state troopers, including the development and implementation of pre-service and post-service curriculum and the selection and training of both trooper coaches and instructors. OLEPS' primary focus is on curriculum/training pertaining to cultural awareness, ethics, leadership, arrest, and search and seizure.

Overview

The Training Bureau adheres to the tasks set forth in the training assessment portion of the former Decree, which has since been codified in the Act and incorporated in State Police policies and procedures. The Act requires that training be provided to State Police members relative to patrol duties, cultural awareness, ethics, leadership, and constitutional law pertaining to arrest, and search and seizure. The Act also requires that the State Police monitor training received from non-State Police entities.

In addition to the requirements outlined in the Act, State Police policies and procedures require that the Training Bureau evaluate and document training effectiveness, establish a Training Committee, create training orders, provide remedial training, ensure the appropriate instructor certifications based on areas of instruction, and to monitor training received by State Police personnel by non-Division entities. The Training Bureau accomplishes this mandate through a cadre of instructors assigned to the following units[22]:

Figure Fifteen: Training Bureau Organization
2010-2011



[22] Although the Armorer Unit and Regional Intelligence Unit fall under the Training Bureau's table of organization, the troopers assigned to those units have primary responsibilities outside of pre-service and post-service instruction.

The monitoring period as it relates to training in this report covers January 1, 2010 through December 31, 2011.

Methodology

OLEPS reviewed normal course of business records, conducted interviews with the Training Bureau staff, and attended training presentations. Records reviewed included the documentation of needs assessment, curriculum, analysis of training effectiveness, Training Committee minutes, instructor resumes, individual training records, disciplinary records, promotional histories, personnel orders, Field Operations memorandums, OPS memorandums, Trooper Coach Committee reports, course documentation, instructor evaluation records, and documentation relating to training provided by non-State Police entities. Databases accessed included MAPPS, ACTS, and I/A Pro.

Performance Standard 14: Development and Evaluation of Training

Standards

The Training Bureau employs a seven-step cycle in the training and evaluation process. The Bureau will be audited on whether the seven-step training cycle set forth below is being applied in the development, delivery, and evaluation of training:

1. **Diagnosis and Needs Assessment** – Assessing the needs within the agency for the purpose of creating or improving training; reviewing current standards and practices on related topics.
2. **Development of Training** – Developing training content and training aids according to needs assessment.
3. **Delivery of Training** – Utilizing current best practices in adult-based learning.
4. **Evaluation of Training** – Evaluating the effectiveness of the training content and training delivery.
5. **Revision of Training** - Revising training materials and delivery based upon the evaluation of each.
6. **Evaluation of Operational Implementation** – Determining implementation of the practices taught.
7. **Documentation of Process** – Documenting of all the above steps in the process.

The evaluation of operational implementation will be reviewed as it relates to training in leadership, ethics, cultural diversity, and constitutional law pertaining to arrest, and search and seizure as delivered during in-service.

All course curriculum relating to training topics delineated in the Act will be reviewed to determine their suitability and for legal sufficiency. Any revisions or substantive changes must be so noted and forwarded for review.

Reports and analyses relating to the evaluation of training will be reviewed to determine the Training Bureau's ability to measure transfer of knowledge.

Assessment

During 2010 and 2011, the Training Bureau continued to demonstrate its ability to develop, deliver, and document its training processes. The Training Bureau develops course curriculum based not only on a Division-wide needs assessment, but to also include concepts or visions the Superintendent espouses and to reflect any changes in case law.

Data used in the development or revision of training comes from information captured by the Office of Strategic Initiatives, Office of Professional Standards, Field Operations, Information and Technology Bureau, Motor Vehicle Accident/Vehicular Pursuit Review Board, Training Committee and from data captured in the MAPPS database. Also included is information that comes from analyzing post-training surveys and field implementation.

As the result of this process, in 2010, curriculum relating to patrol practices, executive leadership training, firearms, self-defense, ethics, discrimination, and search and seizure were presented to OLEPS for review and comment. In 2011, curriculum relating to first-line supervision, motor vehicle stops, executive leadership, firearms, self-defense, immigration, and search and seizure were presented to OLEPS for review and comment.

Also in 2011, the Training Bureau's Law Enforcement Science Unit updated their pre-service curriculum relating to cultural diversity, search warrants, vehicular pursuit, domestic violence and search and seizure prior to the start of the 151st recruit class. Furthermore, the Law Enforcement Science Unit enhanced the "mock station" used as a tool during the final phase of recruit training to help in the transition from being a recruit to a probationary trooper. The "mock station" included a PowerCAD used during a simulated 12-hour shift where the recruits were dispatched to several events under a controlled environment. The Training Bureau referred to this as their "Capstone" training.

During a "self-evaluation," the Training Bureau came to the realization that there was a training gap between recruit training and first-line supervision school. There was a need for troopers with one to three years of service whose primary duties involved traffic enforcement to receive training that reinforced the fundamental principles taught in pre-service relating to policing with an emphasis on search and seizure. This week-long course, Principles of Policing, was developed in 2010 and presented for the first time in March of 2011. Although geared to a trooper with a minimum of one to three years of service, the course was open to any active member. Topics included motor vehicle stops, search and seizure, defensive driving, self-defense, and Simunitions.[23]

After the delivery of training, an evaluation was performed to determine the effectiveness of the training content. Metrics that Matter (MTM) is the analytical software program utilized by the Training Bureau to assist in this evaluation. Included in the data gathered were pre-test/post test scores, instructor assessment of performance based training and surveys that elicit participant responses to specific categories, such as course materials, instructor knowledge, perceived value and job impact.[24]

[23] Scenario-based firearms training using paint cartridges in place of ammunition.
[24] Surveys are administered immediately after the training day and follow-up surveys are subsequently distributed between 45 and 60 days after training.

Members of OLEPS staff audited the delivery and evaluation of the 2010 and 2011 in-service training. The preparation and presentation of the annual in-service training is one of the Training Bureau's hallmark events outside of recruit training. It is delivered daily over a two month period to all State Police personnel. Prior to the delivery of the training, a complete package including a needs assessment, data collection plan, curriculum (including training aids) and memorandums relating to the in-service, were submitted to OLEPS for review and comment.

A review of reports documenting the evaluation process was conducted. Pre-test and post-tests were administered and performance based evaluations were submitted by instructors for practical scenario exercises. A Likert scale[25] was used that assigned a numerical value depending on the degree to which the participant agreed with the statement presented in the post-training surveys. In all cases, the Training Bureau achieved their targeted goal upon measuring the transfer of knowledge.

Between 45 days and 60 days of training, a follow-up survey was distributed designed to determine if the participants perceived that they had applied (or had the opportunity to apply) what was taught and whether the training improved their job performance. In addition to the responses from the surveys, data from units throughout State Police, such as the Office of Strategic Initiatives, Office of Labor Relations, and Office of Professional Standards, was collected and analyzed to determine operational implementation. Because measuring field implementation can be a protracted process, the results are not necessarily known prior to the following year's in-service. Therefore, any necessary revisions to curriculum may not be immediate and would depend on the availability of the data used in the analysis.

One of the concerns expressed in past reports and recognized by the Training Bureau has been the decline by State Police personnel in their response to the follow-up surveys. The Training Bureau worked towards getting an increase in responses after e-mailing the 2011 follow-up survey Division-wide and by placing the issue on the Training Committee agenda, Command Staff agenda as well as posting a reminder message on the Administration Information Center (AIC) housed on the State Police intranet. The Training Bureau also forwarded a reminder via e-mail to all Administrative Officers and again made the survey readily available to those enlisted personnel attending training subsequent to in-service (supervision school, criminal investigation school, etc.) It appears those efforts had a positive effect. The percentage of enlisted personnel who attended training and responded to the follow-up survey was 17% in 2009; 13% in 2010; but rose to 26% in 2011.

It was noted that the training goals outlined in the respective data collection plans were met during the initial training assessment performed right after training is presented. However, the Training Bureau fell short in meeting some of the goals or measures used to determine if what was taught had been applied by enlisted personnel in the field. Falling short of an anticipated goal should not be viewed negatively. The purpose of an evaluative process is to determine what measures or revisions need to be made to lesson plans or methods of instruction in order for the Training Bureau to achieve the desired results. In some instances, there are factors unrelated to training that may adversely impact the desired outcome and need to be identified.

To further illustrate this point, from 2008 through 2011, there were repeated efforts by the Training Bureau to provide training that would help to reduce the number of MVR infractions. Year after year the Training Bureau applied the seven-step training cycle and revised their method of instruction in an effort to achieve their goal. The proper use of the Mobile Video Recorder (MVR) was emphasized

[25] A scale used to measure the degree to which people agree or disagree with a statement. It is used to assign quantitative value to qualitative data for use in statistical analysis.

during the ethics block of the 2009 in-service training along with the State Police protocols that were issued as a result of the Peña-Flores Supreme Court decision. Operational (field) implementation was measured by using data captured in MAPPS.

The Training Bureau was trying to achieve a reduction in those instances where a trooper failed to activate the MVR prior to a motor vehicle stop and/or the MVR did not remain activated during the stop. The goal was to lower these infractions to 5% or less, which would be determined by motor vehicle stop reviews conducted by State Police supervisors. The analysis of 2010 data indicated that the goal was not met. Of the 13,284 supervisory reviews conducted, 7.06%, or in approximately 938 instances, troopers did not activate the MVR prior to the citizen contact and 13.13%, or in approximately 1,744 instances, troopers did not maintain MVR activation throughout the contact.

Previous to the 2009 in-service, MVR training had been presented in the 2008 in-service where, once again, the Training Bureau was looking to lower the rate of MVR infractions; however, in 2008, the goal was to realize a 10% reduction in the number of infractions from 2008 to 2009. The analysis indicated that again the goal was not met. Of the 12,844 supervisory reviews that were conducted in 2008, 5.73% or in approximately 736 instances, troopers did not activate the MVR prior to the citizen contact and 8.92%, or in approximately 1,146 instances, troopers did not maintain MVR activation throughout the contact as compared to 2009, where of the 13,105 supervisory reviews, 6.31%, or in approximately 827 instances, troopers did not activate the MVR prior to the citizen contact and 10.42%, or in approximately 1,365 instances, troopers did not maintain MVR activation throughout the contact. A review of 2011 data found in MAPPS indicates that the percentages continued to rise.

Table Fourteen represents the percentage of MVR infractions noted by State Police supervisors based on motor vehicle stop reviews as discussed above:

Table Fourteen: Percent of Stops with MVR Infractions

2008-2011

MVR Infraction	2008	2009	2010	2011
Not activated prior to contact	5.73%	6.31%	7.06%	11.86%
Did not remain activated throughout contact	8.92%	10.42%	13.13%	22.11%

When tackling this issue during the evaluation of training, the Training Bureau concluded that, "The [continuing] spike in the MVR review module…has been noted and discussed with the Field Operations Section. As of this time there is no acceptable reason to point to." It was the opinion of the staff that at this point, all training methods had been exhausted. According to the notations in the report, the issue was going to be explored by the Field Operations Section MAPPS Coordinator and there would be further discussions to determine what steps, if any, need to be taken by the Training Bureau staff.

OLEPS was able to determine, by reviewing memorandums written in January 2010 and February 2011 from the Troop D Commander and from the Information Technology Bureau addressed to the Deputy Branch Commander of Field Operations, that there were malfunctions with the newly acquired DIVRs used to replace the MVRs. OLEPS also noted that in the December 2010 Training Committee minutes, members of the Information Technology Bureau reported DIVR malfunctions to the committee. However, in August of 2011, the Training Committee minutes reflect a report by members

of OPS stating that there was a need to reinforce the DIVR policy because members were "needlessly shutting down DIVRs without supervisor approval." At this juncture, there was no mention of DIVR malfunctions although it is possible that there were now two issues on the horizon possibly contributing to the spike in infractions.

OLEPS is of the opinion that the continued rise in MVR infractions was not likely a reflection of ineffective or lack of training. Training in the use of the MVR not only occurs during pre-service and by trooper coaches, but the training is reinforced by field training officers and during in-service via lectures and scenario based training. However, with the consistent rise in the numbers, the Training Bureau may want to continue to monitor this issue with OPS and Field Operations to determine if there are any new training needs resulting from the transition from MVRs to DIVRs. Furthermore, if it is determined that supervision or lack of individual counseling is at issue, the matter should be appropriately addressed by command staff. The key for the Training Bureau is to continue to maintain a focus on "connecting the dots" by following-up on issues identified during the evaluative process from one training period to the next. If any issues appear to be beyond those related to training, then such mention should be presented up through the chain of command.

Summary of Standard 14

The Training Bureau continues to demonstrate its ability to develop, deliver and document its training processes as prescribed by the seven-step training cycle. The Training Bureau has demonstrated a proficiency evaluating the effectiveness of training content and delivery.

Performance Standard 15: Cultural Diversity, Ethics, Fourth Amendment, and Leadership Training

Standards

- The Training Bureau will provide recruit and annual in-service training on Fourth Amendment requirements and on the non-discrimination requirements set forth in the Act as part of patrol-related training, including training on conducting motor vehicle stops and searches and seizures.

- The Training Bureau will train all recruits and provide annual in-service training as set forth in the Act and established in State Police policies in cultural diversity, ethics, and leadership.

Assessment

2010 In-Service Training: Tipping Points

The 2010 in-service was conducted from October through December 2010 with a total of 2,836 troopers trained. It was predicated on a needs assessment that was generated from the various bureaus and units throughout the Division. Concentration was placed on leadership competencies and also included the mandatory topics of cultural diversity, ethics, and search and seizure, as well as consequential decision making. The presentation included:

- Discussions regarding various incidents that "tipped" the balance of the organization culminating in the legal agreement entered into between the State Police and the Department of Justice (Consent Decree).
- Discrepancies relative to traffic enforcement captured in CAD.
- Statistics regarding alleged acts of misconduct by troopers off-duty were presented followed by a discussion of ethics and consequential decision making.
- Effective counseling/mentoring practices by supervisors and the drafting of action plans.
- Cultural awareness and the impact of immigration relative to law enforcement.
- Common tactical issues identified by Field Operations personnel through MVR reviews relative to trooper safety.
- Motorist approach relative to attitude and demeanor.
- Procedures and protocols regarding consent searches with emphasis on the following:
    - Difference between reasonable articulable suspicion and probable cause.
    - Level of supervisory approval necessary prior to asking for consent to search.
    - Use of car radios when requesting consent to search.
    - Articulating specifically what is uncovered during motor vehicle stops.
    - Requesting consent to search from the person who is authorized to give consent.
    - Use of DIVR during <u>all</u> motor vehicle stops.
    - Both audio and video documentation of consent to search.

- The right of citizens to be present during a search.
- Termination of search upon citizen request.
- Absence of coercion when requesting consent to search.
- Second request for consent to search made at the behest of an assistant prosecutor.

Practical exercises were also held during in-service. The tactical issues identified by Field Operations personnel relative to trooper safety were followed by scenarios of motor vehicle stops. Some stops were correctly executed; others contained tactical errors. All stops contained discretionary options. The objective of the exercise was to have the troopers identify the errors/omissions presented and for them to offer viable solutions.

Following the lecture on consent searches, troopers participated in two search and seizure scenarios. The object was to engage the class in critical thinking – analyzing statements of motorists in response to questions, determining level of suspicion (if any), looking at the totality of circumstances, calling information in to a supervisor, requesting for criminal history look-up, etc. The lesson focused on the ability of a trooper to reason by "putting things together in real-time," using sound judgment when processing constitutional issues, and having the ability to differentiate between the various levels of suspicion.

The last block of instruction during the 2010 in-service was a practical exercise conducted in riot control formation by the participants in mock response to a civil disorder. Troopers were required to don their gas masks, PR-24 or Monodnock expandable baton, and shields. Individual troopers were assigned the task of being leaders (squad, platoon, etc.) who communicated orally and/or through hand signals. Different formations were practiced based on the scenario presented. Participants were cautioned to exercise discipline, both mental and physical. The participants were made to understand that in order to effectively respond to a civil disturbance, the trooper needs to realize the underlying cause of the disturbance.

2011 In-Service Training: Perspectives 360°

The 2011 in-service was conducted from October through December 2011, with a total of 2,605 troopers trained. As with the 2010 in-service, the 2011 in-service training was developed from a needs assessment that was generated from the various bureaus and units throughout the Division and included mandatory training on the topics of cultural diversity, ethics, leadership, and search and seizure. One feature that set apart the 2011 in-service from any other was the ability for participants to blog anonymously during training on laptop computers that were provided by the Training Bureau. The members' comments appeared on a large screen in the classroom and could be viewed by all present. This was done in an effort to further enhance member participation and to get feedback from those who may not have otherwise engaged in classroom discussion. The following is a summary of the 2011 presentation:

- Focus was placed on the importance of integrating one's perspective with that of others in order to effectively deal with the public as well as with co-workers. This was done to address attitude and demeanor complaints, differential treatment complaints, and complaints alleging discrimination in the workplace.
- The Training Bureau promoted the first goal of the Superintendent's strategic plan – intelligence led policing – through use of the Suspicious Activity Reporting System (SARS).
- Issues related to search and seizure to include:

  - Trooper safety (positioning during stop).
  - What constitutes proper/improper search.
  - Articulating events as they occur during search.
  - Handcuffing.
  - Frisks.
  - Miranda and public safety exception to Miranda.
  - Situational awareness.
  - Use of car radio.
  - Use of backup.
  - Overall motor vehicle stop procedures including audio and video recording.
- Reference to OLEPS statistics noting error rates by State Police supervisors conducting MVR reviews.
- Excessive use of force as related to one's principles and the concept of the "we" perspective, which is a broader perspective allowing for a greater probability of making sound decisions.
- Acknowledgment of the existence of diverse viewpoints and incorporating those viewpoints in one's decision-making process.
- Recognizing police organizational culture and perspectives.
- Cultural awareness presented in an overview of Sovereign Citizens, their ideology and their impact on law enforcement.
- Training in the incident command system relative to leadership and first responders.
- Practical exercises were preformed regarding incident command protocols, use of portable radios and motor vehicle stop procedures.

The attendees were particularly encouraged during the showing of a video released by the New York Times titled "Stop and Frisk in Brownsville." The video is a documentary of a New York Police Department program that was developed and put into operation in an eight block area of Brownsville, a section of Brooklyn, in an effort to get guns off the street. The program, which was instituted in 2006, has had its share of controversy. There have been concerns that the police are not using enough discretion prior to making pedestrian stops. The majority of stops occurred in the lobby of high rise buildings and it was reported that young African-American men between the ages of 15 to 35 were five times more likely to be stopped than others. The video offered the community's perspective of the program and that of the members of NYPD.

According to the statistics presented in the video, of the 13,200 stops made in 2009, 25 guns were recovered. Furtive movement was the reason most articulated for the pedestrian stops. The residents expressed mixed feelings about the program. Although they were in favor of the police presence, they were not in favor of how the program is being applied. The young men of the neighborhood had come to resent the police because they felt that they had been unfairly targeted. The coach of the local high school football team allowed the players to carry their football helmets after practice to dissuade police inquiry.

On the other hand, members of NYPD believed in the mission. They were attempting to curb violence in order to help the residents reclaim their community. They believed that their presence made a difference and that they were there to protect those who could not protect themselves.

The instructor offered no judgment as to the effectiveness or value of the program. This was done in an effort to see what type of responses the video would elicit, in this case, to gauge the troopers' "perspectives" as to the type of citizen contact (stop and frisk) encouraged by the NYPD program.

Although the primary focus of in-service training is on cultural diversity, ethics, leadership, and search and seizure, these topics have been incorporated in other courses, such as First Line and Mid-Level Supervision, Executive Leadership and Phase Training, Instructor Certification, Street Gang Awareness, Effective Patrol Techniques, Principles of Policing, and Immigration and Documentation Analysis. Leadership and Supervision courses are further discussed in Standard 19.

Summary of Standard 15

The Training Bureau continues to provide cultural diversity, ethics, leadership, and search and seizure as part of its integrated training curriculum. The mandatory training conforms to the seven-step training cycle.

Performance Standard 16: Training Committee

Standards

According to State Police policies and procedures, the Training Bureau Chief will establish, maintain, and utilize a Training Committee.

- The Training Committee will be comprised of members of the Training Bureau, field training coordinators, field training officers, members of the OPS, members of the Office of Quality Assurance, and any other personnel as determined by the Bureau Chief who will serve as the Committee's chair. The Committee is to meet on a quarterly basis.

- The purpose of the Committee is to "serve as an integral system for state police units, squads and supervisors to provide information and refer particular incidents to the Training Bureau, to assist in evaluating the effectiveness of training and to detect the need for new or further training."

Assessment

Training Committee meetings were held in April, August, and December of 2010. In addition to Training Bureau staff, representatives from Identification & Information Technology as well as Field Operations attended all three meetings. Representatives from the Office of Quality Assurance, OPS, Troops A & C, Administration Section, and Intelligence Section attended the April session; representatives from Office of Quality Assurance, OPS, Troop C, and Special Operations attended the August session, and representatives from Special Investigations and Emergency Management attended the December session. The following is a summary of topics covered during the 2010 meetings:[26]

- There was a considerable amount of discussion relating to the monitoring of training received by enlisted members from non-Division entities. During the Fifteenth Monitoring Report issued in January 2007, the federal monitors expressed concern that some enlisted members had attended training conducted by an outside agency that did not necessarily comport with New Jersey State regulations. Upon termination of the Decree, the monitoring of outside training was codified in the Act as well as in State Police policies and procedures. Both measures helped to ease OLEPS apprehension as to whether the Training Bureau had the ability to transfer historical knowledge from one Commandant to the next relative to parameters that had been set around certain training topics.[27]

- Members of the In-Service Unit advised the Committee that they had been meeting with unit supervisors and field training officers in preparation of the development of the 2010 in-service needs assessment and curriculum. Particular interest in the topic of search and seizure as well

[26] Some training issues identified in 2010 were presented after the training was formulated in 2011.
[27] First Monitoring Report prepared by OLEPS covering training activity between June 1, 2008 and December 31, 2008, Task 93.

as scenario-based training was expressed. Meanwhile, the field training officers reported on their continued efforts to reinforce and augment training by conducting training for their respective troops on topics such as effective patrol techniques, active shooters, Special Operations Group (SOG) tactics, firearms, statement analysis, interviewing, EMT certification, and providing laser and radar certification. The Training Bureau was requested to provide additional Instructor Certification Courses (ITC), additional training in self-defense tactics and a refresher in the use of portable radios. The Training Bureau provided ITC training in January, May, August, and October of 2010 and provided self-defense training during each month in 2010 with the exception of April and July. A refresher self-defense course was conducted in May. Training related to search and seizure (including scenario based training) and the use of portable radios was included in the 2011 in-service.

- Field Operations presented the Committee with an outline of issues recognized by supervisors through MVR reviews that were addressed by the field training officers during the semiannual firearms qualification. The issues included the operation of MVRs, arrest procedures, and consent to search procedures. The Training Bureau subsequently included these topics in the 2010 and 2011 in-service.

- Representatives of OPS noted that the complaint reduction initiative appeared to have been successful. It was initially reported that there had been a 4% drop in use of force, attitude and demeanor, and racial profiling complaints; however, attitude and demeanor complaints had begun to rise once again. OPS also stated that during the course of conducting administrative investigations there have been instances where MVRs are not turned on during motor vehicle stops. At the subsequent meeting, the Identification & Technology representatives informed the committee of on-going issues with DIVRs (used to replace MVRs) that have resulted in the inability to locate some motor vehicle stop recordings. Use of force and attitude and demeanor were addressed in the 2010 and 2011 in-service. Further comments on DIVR use can be found in Performance Standard 15.

- There were several discussions regarding the completion of the in-service follow-up surveys, and, in particular, the Leadership Assessment Survey. The Training Bureau explained that in order to effectively evaluate training, it is important that unit supervisors encourage their subordinates to participate. The Training Bureau saw an increase in survey responses from 13% in 2010 to 26% in 2011 after presenting this concern Division-wide through Committee members and the State Police intranet.

- Members of the Committee noted that due to the vast number of retirements, there would be a need to increase the number of leadership training courses. Despite recognizing this need, staffing issues hampered the Training Bureau's ability to increase the number of supervision courses delivered (see comments under Performance Standard 17). Consequently, the Training Bureau had to decrease the number of First Line Supervision Courses delivered from three courses in 2010 to one course in 2011.

In 2011, Training Committee meetings were held in May, August, and December. In addition to the Training Bureau staff, representatives from Identification & Information Technology, Field Operations, and Intelligence attended all three meetings. Representatives from Emergency Management, Human Resources, and Special Investigations attended in May and representatives from Office of Professional Standards, Special Investigations, and Emergency Management attended the August session. The following is a summary of topics presented during the 2011 meetings:

- Training Bureau accomplishments were highlighted to include tasks that had been completed in anticipation of the 151st State Police Class. CAD virtual training simulators, vehicles and workstations were in place. The Pre-Employment Preparation Program (PEPP)[28] and Academy Awareness Weekend (AAW)[29] had been successfully administered. Trooper Youth classes[30] for approximately 150 students were completed and Top Physical Challenge giving middle school and high school students the opportunity to compete in physical fitness events across the State were held.

- Lesson plans were drafted in response to training needs relative to portable radios. This training was presented in the 2011 in-service. Other training topics discussed included the successful presentation of effective patrolling techniques, including topics relating to search and seizure, firearms, and interviewing.

- Members of the In-Service Unit advised the Committee that they had been meeting with unit supervisors and field training officers in preparation of the development of the in-service needs assessment and curriculum for the upcoming 2011 in-service. The needs assessment prepared and submitted for review illustrates this process.

- Division-wide training discussed and successfully delivered in 2011 included MAPPS Supervisory Training, Firearms Instructor Course, Alcotest Operator Training, CJIS training, and Stop-Stick Operator Course.

- Issues relating to DIVR infractions resurfaced. It was determined that there was a need to reinforce the policy. Infractions included termination of recording before clearing a stop, without supervisory approval, or turning off the DIVR while waiting for a tow truck while at the scene of an accident. DIVR related issues were addressed in the 2011 in-service.

- Follow-up surveys were once again discussed with an emphasis on having members complete the survey that circulated after the deployment of State Police personnel to the National Socialist Movement (NSM) rally in an attempt to measure the effectiveness of the SOG training conducted during the 2010 in-service. Surveys were disseminated and 41.6% of those who were deployed to the rally responded. Based on the data collected from the surveys, the training did have an impact on the overall success of the deployment.

Despite the Training Bureau's efforts in 2011, there appeared to be a lack of attendance by members of the Committee, other than members of Field Operations and Identification & Information Technology. There is no specific reason given by the Training Bureau staff for this occurrence other than to suggest that it was a consequence of scheduling conflicts and/or dwindling Division resources. If so, then it would be incumbent on the managers of those sections to set attendance as a priority, otherwise it undermines the rationale of having such a committee and in the end, short-changes the Division as training effectively reduces organizational risks.

[28] PEPP is a program design to assist prospective recruits learn military drills and to help prepare for the level of physical fitness that will be required of them not only to pass the Physical Qualification Test (PQT), but that will be expected of them once entering the Academy.
[29] AWW is a program design to allow those who have received a conditional offer of employment the opportunity to spend a weekend at the Academy to experience the pre-service program prior to entry.
[30] Trooper Youth Week is a career exploration program held during the summer months for teenagers who are in their junior or senior year of high school.

One obvious omission from the Committee is a representative from the MAPPS Unit. Although data generated from Strategic Command is used by the Training Bureau in their needs assessment and for subsequent use in the evaluation of training, a representative serving as a member of the committee would be beneficial, allowing for discussion and interpretation of data collected Division-wide. Also, contrary to policies and procedures, in 2010 and 2011, the Committee met on three separate occasions in each calendar year, not quarterly as mandated.

Summary of Standard 16

The Training Bureau maintains an open line of communication with the various units in State Police and continues to work closely with Field Operations and Identification & Information Technology Section. The staff actively seeks input throughout the Division to help identify training needs in an effort to deliver meaningful training. Issues presented before the Committee have been incorporated into a needs assessment and presented in training.

Every effort should be made by the Training Bureau to comply with State Police policy by holding quarterly Committee meetings with all members in attendance. Consideration should be given to include a representative from the MAPPS Unit as a Committee member.

Performance Standard 17: Recruitment of Instructors and Instructor Eligibility Requirements

Standards

According to State Police policies and procedures:

- The New Jersey State Police will encourage superior troopers to apply for Academy and post-Academy training positions as set forth in the Act and established in State Police policies. In addition, the Training Bureau will retain qualified staff and maintain adequate staffing levels at the Academy to ensure continued compliance with the training cycle.

- Eligibility, selection criteria, and required training for instructors are outlined in State Police policies. All candidates must submit a resume, undergo a review of any and all disciplinary history, undergo a review of any complaints alleging discrimination in the workplace, successfully complete the Instructor Training Course, and have the ability to apply the seven-step training cycle. Any revisions to the policies relating to eligibility selection requirements or training must be submitted to OLEPS for review and comment prior to approval.

Assessment

There was a decrease in the staffing levels at the Training Bureau from 2010 to 2011. In January 2010, the organizational chart reflected a total of 56 sworn personnel (including three members detached out) and seven civilians. Broken down by rank, the 56 are represented as follows:

Table Fifteen: Training Bureau Staffing
2010

Rank	Staffing Numbers
Captain	1
Lieutenant	5
Sergeant First Class	8
Sergeant	12
Trooper	30
Total	56

Included in the total count are eight instructors who are “in but not of” the Academy. They do not instruct in either pre-service or post-service training. They are assigned to units that provide training

outside of the Academy or provide a service to the membership.[31] Consequently, the full complement of instructors for pre-service and post-service training would be at 48, which includes three detachments.

In January of 2011, the organizational chart reflected a total of 53 sworn personnel (including three members detached out) and seven civilians assigned to the Training Bureau. Broken down by rank, the 53 are represented as follows:

Table Sixteen: Training Bureau Staffing
2011

Rank	Staffing Numbers
Captain	1
Lieutenant	7
Sergeant First Class	11
Sergeant	11
Trooper	23
Total	53

Again, included in the total count are eight instructors who are "in but not of" the Academy.

The number of sworn personnel conducting training fluctuates when the Academy conducts pre-service training. The reason is two-fold. The Training Bureau continues to be responsible for post-service training for Division members during pre-service and must be in a position to deliver recruit training safely; therefore, troopers are detached from other areas of the Division to assist. During this reporting period, the Law Enforcement Science Unit trained 123 recruits from August 2011, until their graduation in January 2012 (151st State Police Class).[32] Fifteen instructors were assigned to the Law Enforcement Science Unit and had the primary responsibility to train the recruits. An additional four troopers were detached from other areas of the Division, which is less than the number of troopers detached to the Training Bureau for the 150th State Police Class.

During the 150th State Police Class, the number of sworn personnel was at 56, which included three detachments and eight instructors who were "in but not of" the Academy bringing the full complement of instructors to 48. During that period, a total of 22 instructors were assigned to the Law Enforcement Science Unit, which included four troopers who were brought in from other Bureaus to assist with the 150th Class. An additional seven members were detached from other areas of the Division to assist so that the Training Bureau could maintain its other training obligations. The Training Bureau was not given any additional staffing during the 151st State Police Class. Although the ratio of recruits to instructors during the 150th and the 151st remained relatively the same, the delivery of post service training, such as the supervision and instructor certification courses, was negatively impacted.

As explained in OLEPS Second Monitoring Report, those detached typically return to their previous assignments upon the completion of pre-service training. The federal monitors were of the opinion

[31] These instructors are assigned to the Regional Intelligence Unit and the Armorer Unit. They include two Lieutenants, two Sergeants First Class, two Sergeants, one Detective and one Trooper.
[32] One hundred twenty-three recruits entered the Academy. Of that number, 85 graduated.

that the Academy should be maintained at a staffing level between 58 and 61 sworn personnel *without* detachments in order to sustain a level of training necessary to comply with the mandates of the Decree. It has been reported by previous Training Bureau Commandants that there had been a verbal agreement between the Division and the federal monitors that the Training Bureau would be maintained at a staffing level of approximately 61 without detachments.

The Training Bureau continues to encourage qualified troopers to join the staff. In November of 2010, the Division of Human Resources posted a Specialist Selection Criteria Announcement stating that the Training Bureau was accepting resumes for enlisted personnel who wished to be considered for an instructor position. The Training Bureau was looking to increase the staff by eight to ten instructors. In March 2011, 14 enlisted personnel were invited to interview, of which ten were selected. Of the ten, only three were permitted by their respective bureaus to transfer. Documentation relating to the most recent selection process was reviewed and those troopers selected met the eligibility requirements.

In 2010, four 80-hour Instructor Training Certification (ITC) courses were held during the months of March, June, September, and December. In 2011, only two Instructor Training Courses were held in May and August due to staffing issues affected by pre-service training.[33] The ITC course covers adult based learning, classroom management, lesson plan construction, test construction, evaluation of training, research skills, use of visual aids, and giving classroom presentations.

The Training Support Unit conducted an evaluation of the Instructor Training Courses. All courses met or exceeded the goals set by the Training Bureau. The assessment of training was done primarily through testing, evaluation of the participants' presentations, and through course critique data captured in the MTM database.

Instructors are consistently evaluated by enlisted personnel who attend training. In-field evaluations of instructors are conducted by the Training Bureau staff on a periodic basis. The instructors are evaluated on, amongst other things, lesson plans, knowledge of course materials, presentation, instructor demeanor, learning techniques (e.g., role playing, lecture, group discussions, etc.), audio-visual aids, and testing materials. In-field evaluations were reviewed during this monitoring period. In-field evaluations were conducted in 2010, but none were conducted in 2011. This is another unfortunate consequence of staffing related issues.

Summary of Standard 17

The Training Bureau continues to follow its mandate to recruit and train quality instructors; however, the Training Bureau does not have control over maintaining its staffing levels. A note of caution was issued to the Division in OLEPS' First and Second Monitoring Reports regarding staffing. The levels need to be maintained in order to safeguard the progress the Training Bureau has made and to sustain a level of training necessary to comply with the mandates of the Act. Training, especially in law enforcement, should not be subject to compromise as training effectively reduces organizational risks.

[33] The continued staffing shortage also affected the number of Criminal Investigation courses and First Line Supervision courses offered in 2011. In 2010, four Criminal Investigation courses were delivered as compared to 2011 where only one was offered. In 2010, three First Line Supervision courses were delivered as compared to 2011 where only one was offered.

Performance Standard 18: Trooper Coach Program

Standards

According to State Police policies and procedures:

- The New Jersey State Police will encourage superior troopers to apply for Trooper Coach and Reserve Trooper Coach training positions as set forth in the Act and established in State Police policies and procedures.

- Eligibility, selection criteria, and required training for Trooper Coaches can be found in State Police policies. A summary of the requirements includes: at least three years of continuous service, a resume, review of any and all disciplinary history, review of any complaints alleging discrimination in the workplace, review of performance evaluations and the successful completion of the Trooper Coach course. Any revisions to the policies and procedures relating to eligibility selection requirements or training must be submitted to OLEPS for review and comment prior to approval.

Compliance will be determined by the review of normal course of business records, to include a review of the Trooper Coach selection process, a review of any misconduct cases (including those pending) relative to a Trooper Coach candidate, a review of the Trooper Coach database and any documentation of Trooper Coach performance, as well as conducting staff interviews.

Evaluation of program's effectiveness will be conducted by review of the after action reports.

Assessment

Members of the Training Bureau's In-Service Unit have the responsibility of administering the Trooper Coach Training Program. The program is designed to reinforce Academy training by giving the probationary trooper the ability to apply what was taught at the Academy at their first general duty road station under the guidance of a trooper who has been qualified to serve as a coach. The program is divided into four 120-hour training phases for a total of 480 hours. During Phases I-III, the probationary trooper becomes familiar with their role and responsibilities. By Phase IV, they are prepared to take an active role while on patrol with and without their coach. At this juncture, the coach will only intervene if there is an issue of officer safety or if the probationary trooper's actions would bring discredit to the Division.

The selection of process for Trooper Coaches is a comprehensive one. The candidates must submit a resume; undergo a meaningful review process, including a review of the MAPPS intervention and performance module; and undergo a review of any misconduct cases (including those pending). This includes a review of any complaints alleging discrimination in the workplace (EEO) as well as a review of any disciplinary history. Eligibility requirements include three years of continuous service, current assignment in Field Operations, satisfactory performance rating on the most recent annual evaluation,

commitment to integrity and knowledge of State Police policy. The candidate must pass the annual physical fitness test and appear before a panel to submit to an oral interview.

Trooper Coaches must successfully complete a three-day course that was revised in 2011, in an effort to streamline the training. There are three designations of Trooper Coaches: Primary, Secondary, and Reserve Trooper Coach. The Primary Trooper Coach has the responsibility of training and evaluating the probationary trooper. The Secondary Coach is used during Phase II of a probationary trooper's training to give the probationary trooper "exposure to an equally qualified coach's perspective, training style and job-related skill set" before returning to the Primary Trooper during Phase III. The Secondary Coach is also prepared to assume the Primary Coach's responsibility in the event that the Primary Coach cannot fulfill their obligation due to an illness or transfer in assignment. The Reserve Coach steps in whenever the Primary or Secondary Coaches are not available for duty on a limited basis, but is not to assume the full-time responsibility of either coach.

In anticipation of the graduation of the 151st State Police Class in January of 2012, a Specialist Selection Notice was posted on June 28, 2011 to members of the Field Operations Section announcing openings for the position of Trooper Coach. In August and September, 116 troopers were invited to interview of which 103 were chosen. The Trooper Coach course was scheduled to be delivered in January of 2012.

The Trooper Coach Committee deliberative process was commented on during the last monitoring period. The Committee is composed of representatives from the OPS, the Division of Human Resources and Field Operations. OLEPS made a request to review any and all documentation maintained by the Trooper Coach Committee, such as committee minutes, notations of deliberations, voting record and/or individual comments made by committee members, in an effort to determine the committee's reason for recommending or not recommending a candidate. This request was made in part because OLEPS had determined that one of the candidates had an off-duty misconduct allegation substantiated two months prior to when the committee convened. The incident called into question the candidate's integrity. It has been determined that there is no record as to discussions that may have occurred during the committee's deliberation to determine if they were aware of the charge and, if so, what arguments were presented for the committee to recommend his continuation in the selection process.

At that time OLEPS was advised that no minutes or voting records were maintained by the Trooper Coach Committee that would render insight into the deliberative process. OLEPS recommended that the Training Bureau consider making this part of the selection process more transparent, especially in the event of any possible subsequent challenge on the committee's recommendation.

Reviews of the selection process for the 151st State Police Class revealed that the Trooper Coach Committee convened and deliberated on potential Trooper Coaches. The Committee was advised of the results of meaningful reviews and, as a result, expressed concerns regarding the disciplinary history and/or pending allegations involving 24 of the candidates. At the Committee's request, further review was conducted on the 24 candidates and a report was prepared for the Committee outlining the status of disciplinary or pending issues.

A final report with the Committee's recommendations was submitted to the Deputy Superintendent of Operations (DSO). In those instances where the Committee did not recommend a particular candidate, or felt that a candidate was qualified based on the requirements set forth in the State Police policy but the Committee remained uncertain as to whether they should remain as viable candidates, a synopsis

listing specific concerns was presented. The DSO made the final determination of who advanced in the process taking into account information noted in the Committee's report.

Compared to the last monitoring period, the selection process regarding the review of any and all disciplinary history for the 151st State Police class was well documented. This documentation was useful when decisions that were made by the Committee were subsequently challenged by candidates as well as by a superior officer. OLEPS will meet with the Committee prior to the next selection process to discuss the manner in which disciplinary histories are factored into their decision making process.

The Trooper Coach program undergoes a step six (operational implementation) evaluation upon completion of Phase III (360 hours) of the probationary trooper's training. The Training Bureau has determined that by the completion of Phase III, a probationary trooper should be performing successfully in all objectives. This analysis is done in preparation of drafting a needs assessment used to determine which performance objective during the probationary trooper's evaluative process receives the lowest score. This evaluation is important because it gives the Academy an indication of the overall effectiveness of the Trooper Coach program and whether the pre-service training should be revised. A standard guideline is used that lists 27 trooper competencies or performance objectives and the criteria used in that evaluation.

A random number of probationary trooper folders were reviewed from Troops A, B and C during the evaluative process of the 150th State Police Class. The two performance objectives that fell below the 4.5 benchmark were knowledge and enforcement of criminal law (4.4) and knowledge of patrol area (4.3). This information was forwarded to the pre-service instructors for review and any revisions to the curriculum deemed necessary.

The Training Bureau drafted and submitted revisions to the Trooper Coach program's policies and procedures. The policies and procedures were reviewed by this office and subsequently approved by the Superintendent in February 2010.

Summary of Standard 18

The position of Trooper Coach is an important one designed to reinforce Academy training received by the probationary trooper and applied by the trooper during patrol at their first general duty road station assignment. The Training Bureau continues to encourage eligible troopers to apply for the Trooper Coach Program and provides the requisite instruction according to the seven-step training cycle. Progress has been made by the Trooper Coach Committee to make the Trooper Coach selection process transparent through documentation. OLEPS will monitor the manner in which disciplinary histories are factored into their decision making process.

Performance Standard 19: Training for Troopers Advancing in Rank

Standards

- The Training Bureau will require enlisted personnel to successfully complete training designed to enhance the management, supervisory, and leadership capabilities of all who are advancing in rank as set forth in the Act and in State Police policies.

- The training must be, to the extent practicable, delivered 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.

- After training for newly promoted enlisted personnel has been completed, a review will be conducted to determine:
    - if the training was conducted within seven months of the promoted trooper's service, and
    - if those who were promoted attended the training.

Assessment

The Managerial Development Unit is responsible for supervisory training for all troopers who are advancing in ranks to "promote police integrity and prevent misconduct." The Unit develops and oversees specific leadership and management courses for all members who attain the rank of Sergeant through Lieutenant Colonel. This supervisory training is provided in First Line Supervision (Sergeant), Mid-Level Management and Leadership (Sergeant First Class), Executive Leadership (Lieutenant), and Executive Leadership Series (Captains and above) courses.

The Managerial Development Unit has the additional responsibility of administering the Instructor Training Certification Course, Criminal Investigation Course, Spanish for Law Enforcement, and Hostage/Crisis Negotiation School. Furthermore, the Unit also provides training for civilians who work for the State Police.

In 2010, four Instructor Training Certification, three Criminal Investigation,[34] and one Spanish for Law Enforcement courses were delivered. Step six reports evaluating field implementation were issued in 2011. Immediately after the training was delivered, the participants completed instructor feedback cards and submitted course critiques. Subsequently, post-event surveys were sent to the participants approximately 45 days from course completion. At the same time, the participants' supervisors received surveys and were requested to rate their subordinates on whether any skills learned from the course were being applied to their current assignment. Furthermore, the supervisors were given an opportunity to rate the increase (if any) in their subordinates' knowledge or skill pre-training vs. post-training. Based on the outcome or conclusion drawn from the information gathered, recommendations were made as to whether any revisions or changes needed to be made to the

[34] This course was delivered to both State Police personnel as well as to various members of law enforcement agencies from around the state.

course curriculum. For the most part, the courses met or exceeded expectations based on the participants' comments.

Unfortunately, while reviewing the reports regarding the effectiveness of training, low rates of supervisor responses were noted. Seventeen percent of supervisors responded to the Instructor Training Certification course survey, 12% of supervisors responded to the Criminal Investigation course survey and no supervisors responded to the Spanish for Law Enforcement course survey.

It is OLEPS' understanding that it is the intention of the Training Bureau to use the supervisors' responses as a form of a step six measure. Although such an assessment is not totally objective, a few or no responses do not provide substantive feedback to the trainers. It is not clear why supervisors do not recognize the importance of providing information that will support ongoing training by their own organization or how the lack of involvement sets a poor example to subordinates who are the future leaders of the organization.

Also in 2010, three First Line Supervision, two Mid-Level Management and Leadership, two Executive Leadership, and five Executive Phase training courses were delivered. Step six reports evaluating field implementation were issued in 2011.

Upon review, it appears that the performance and transfer of knowledge goals were met for all managerial courses. The responses for follow-up surveys ranged between 39% and 51% of the attendees of the First Line Supervision, Mid-Level Management and Leadership, and Executive Leadership courses. The courses met or exceeded all goals relating to job impact and learning effectiveness. The courses did not meet the goals set relating to supervisor/subordinate efforts to set expectations and goals as they related to the subordinate's current job assignment.

Quarterly trends collected in MAPPS were used in the Training Bureau's analysis. These trends were analyzed by the Training Support Unit to determine whether the managerial training had any impact on the number of complaints (misconduct and performance incidents) filed against the enlisted members. It was noted that over the past five years there has been a 23% overall reduction of complaints from 1,088 complaints filed in 2005 to 699 filed in 2011.

In 2011, two Instructor Training Certification, one Criminal Investigation, and one Spanish for Law Enforcement course were delivered. In addition, one First Line Supervision, two Mid-Level Management and Leadership, two Executive Leadership, and five Executive Phase training courses were delivered. Step four reports (the evaluation of training) were submitted immediately after training that revealed a successful transfer of knowledge. Post event surveys were sent to the participants and their supervisors approximately 45 to 60 days from course completion. Step six reports evaluating field implementation were issued in 2012 and will be further discussed in the next monitoring period.

During OLEPS' review, personnel orders and training records were examined in order to determine if those enlisted personnel promoted in rank received the requisite training. The timeline for when this training was to occur was established by the former Consent Decree as follows:

> *The training must be, to the extent practicable, delivered 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.*

Although not directed by State Police policies and procedures, the Training Bureau elected to keep this standard in order to maintain those reforms established by the Decree.

According to personnel orders, in May and September of 2009, 113 troopers were promoted to the rank of Sergeant, 108 troopers were promoted to the rank of Sergeant First Class, 76 troopers were promoted to the rank of Lieutenant, 34 troopers were promoted to the rank of Captain, and four troopers were promoted to the rank of Major.[35] The majority of troopers attended training within the prescribe period of time. Table Seventeen represents those troopers who attended training beyond the requisite seven month period and those who never attended the training:

Table Seventeen: Training Attendance for Promoted Troopers
2009

Rank	Total Promoted	Attended Beyond Seven Months	Never Attended
Major	4	-	-
Captain	34	3	2
Lieutenant	76	6	6
Sergeant First Class	108	4	2
Sergeant	113	9	-

While conducting this review, consideration was given to those troopers who may have been on administrative leave or who may have retired prior the scheduled training. Eight of the nine Sergeants attended training approximately two months beyond the seven month designated timeframe due to what appeared to be scheduling issues. One trooper did not receive training until approximately one and one-half years after being promoted, but this was due to an administrative leave of absence.

Of the two Sergeants First Class that did not attend training, one was on an administrative leave of absence and subsequently retired about three months after being promoted.

All three Captains who attended training did so approximately four months beyond the designated time frame due to what appeared to be scheduling issues. Both Captains who did not attend training retired after being promoted.

According to personnel orders, in October 2010, 101 troopers were promoted to the rank of Sergeant, 74 Sergeants were promoted to the rank of Sergeant First Class, 54 Sergeants First Class were promoted to the rank of Lieutenant, eight Lieutenants were promoted to the rank of Captain, and one Captain was promoted to the rank of Major. The majority of troopers attended training within the prescribed period of time. Table Eighteen represents those troopers who attended training beyond the requisite seven month period and those who never attended the training:

[35] Training for the 2009 promotions occurred in 2009 and 2010.

Table Eighteen: Training Attendance for Promoted Troopers
2010

Rank	Total Promoted	Attended Beyond Seven Months	Never Attended
Major	1	-	-
Captain	8	5	2
Lieutenant	54	7	5
Sergeant First Class	74	1	-
Sergeant	101	2	1

Two of the seven Lieutenants who attended training did so approximately two months beyond the designated time frame. One of the five Lieutenants who did not attend training retired about three months after being promoted. Those promoted to Captain attended one or more phases of executive training.

The 2011 promotions were announced on October 25 and December 21. Training for the October promotions occurred in 2012 and will be covered in the next monitoring period.

A delay in attending training could have been the result of a particular assignment at the time of promotion, but it is imperative that troopers receive the requisite training in preparation for the challenges and responsibilities that come with the advancement in rank. Surprisingly, there appears to be a greater number of troopers who either do not attend training or delayed training beyond the seven month threshold when promoted from Sergeant First Class to Lieutenant. It is important that supervisors ensure the attendance of their subordinates and should ultimately be held accountable in those cases where a trooper never attends the requisite training or where there is no acceptable excuse for an extraordinary delay in attendance.

It is understandable that the Training Bureau may have difficulty coordinating the scheduling of classes with promotional announcements. However, it should be noted that this mandate to train within a specified time period is directly affected by the Training Bureau's historic wavering staffing levels making it difficult to schedule training accordingly. This is an unfortunate result of the continued reduction of manpower, which was previously discussed in Standard 17 of this report. OLEPS has repeatedly cautioned the Division regarding the Training Bureau's staffing levels, which had direct impact on advanced leadership training held in 2011.

Summary of Standard 19

The Training Bureau continues to provide training for those troopers who advance in rank in accordance to the seven-step training cycle. Although not directed by State Police procedures, the Training Bureau elected to maintain the standard set by the Decree by delivering training to troopers advancing in rank no later than seven months of being promoted in order to maintain those reforms established by the decree. The majority of troopers attended within the requisite time schedule. Troopers and ultimately their supervisors should be held accountable where there is no acceptable reason for non-attendance or an extraordinary delay in attendance.

Performance Standard 20: Training Provided by Non-Division Entities

Standards

State Police policies set forth the guidelines and requirements for training provided by non-division entities. These guidelines are:

- The Training Bureau, through the respective filed training coordinators (FTCs) or field training officers (FTO's), will monitor and approve any training attended by enlisted personnel provided by non-New Jersey State Police entities.
- The FTCs or FTOs will debrief enlisted members upon their return from training and copies of all course materials will be submitted to the Training Bureau to be maintained in a central repository.
- Members may not teach or mentor other Division personnel in outside training without first obtaining Training Bureau approval.

Assessment

The monitoring of outside training is not only important but can prove to be a challenge for any law enforcement agency. Each department must ensure that the training received by its members not only comports to departmental policy, but also conforms to the respective state's statutes, regulations, guidelines, and directives. We have seen cases of troopers who are eager to further their knowledge by seeking additional training from federal agencies or private vendors (entities). In some cases, troopers have used their personal time and/or paid for the course out of their own pocket making it difficult to track the type of training received.

In the past, the Training Bureau voiced concern regarding its ability to monitor the suitability of training based on a member's assignment when the training is conducted by outside entities, especially if the training is attended while off-duty. For example, members of the Commercial Carrier Unit are responsible for enforcing federal statutes governing commercial transportation (US Code Title 49). Because the constitutional provisions governing search and seizure for commercial vehicles differs from the constitutional provisions governing search and seizure for privately owned motor vehicles, members were given the latitude to receive training for that type of enforcement, whereas other members of the Division, such as Field Operations, were not.

As per Department of Law and Public Safety policy, State Police policies and procedures were issued stating that all members of the Division must request and receive travel/training authorization regardless of whether the training is held in-state and at no cost. In addition, attendance at a conference or seminar is subject to review and approval by the Ethics Officer, even when the member is attending while on authorized leave and is paying for the cost of the training if admission is predicated on the attendee being a member of law enforcement and/or the conference or seminar is related to the employee's job duties.

In order to ensure that the Training Bureau can adequately monitor training that its members receive from non-Division agencies, the policies and procedures governing training were revised and now outline the responsibilities of the trooper attending the training along with that of field training coordinators and/or field training officers. Members must submit an "Outside Agency Training Appraisal Report (Form 935)" upon return along with any course-related training materials. The following verbiage appears under the training acknowledgement section of the appraisal report, which is signed and dated by the attending member:

> *…I understand that I will be held to the high principles of the New Jersey State Police and any training that contradicts currently approved tactical, performance and/or behavioral standards will not be authorized and will not be incorporated into the performance of my assigned duties or alter my ability to provide law enforcement services that are Constitutional in nature and devoid of any form of bias and/or discrimination.*

If a trooper applies training taught by outside entities that is contrary to State Police policies and procedures, the trooper will be subject to disciplinary measures. The Training Bureau took proactive measures and began operating under the amended guidelines mid-2010. The policies and procedures were subsequently approved by the Superintendent and issued on July 5, 2011.

There were 132 training events sponsored by non-Division entities during 2010 that were attended by State Police personnel. In many instances the same training was offered on more than one date. For example, the Crash Investigation course was presented on six separate occasions and the Executive Level Awareness course was presented on three separate occasions.

OLEPS requested and reviewed all documentation collected from the attendees and archived by the Training Bureau for eight of the courses. All attendees submitted either course descriptions, course materials or both. The Outside Agency Training Appraisal Reports (Form 935) were submitted for all but two courses; however, latitude must be given since revisions to the policies and procedures requiring the collection of Form 935 had not yet been approved and, in fact, were not being collected by the Training Bureau until mid-2010.[36] Two of the courses were audited by Training Bureau instructors and comments were sought from OLEPS prior to granting enlisted personnel permission to attend.[37]

There were 99 training events sponsored by non-Division entities during 2011 that were attended by State Police personnel. OLEPS requested and reviewed all documents collected from attendees and archived by the Training Bureau for 14 of these courses. Once again, in many instances the same training was offered on more than one date. The Outside Agency Training Appraisal Reports (Form 935) were submitted for all but two courses; however, in two instances one Form 935 was submitted for all members who were in attendance at a particular course on a given day.[38] There is a notation on the Form 935 stating this was done at the direction of a superior officer. There is another notation on the form that reads, "not the way it is to be done." OLEPS would agree. The purpose of the Outside Agency Training Appraisal Report is for the trooper who attends to sign and acknowledge that "any training contradicting currently approved tactical, performance and/or behavioral standards will not be authorized and will not be incorporated into the performance of their assigned duties." The form is to also be signed by the respective field training officer/field training coordinator.

[36] The Training Bureau was not mandated to gather documentation until the policies and procedures were revised and approved in July 2011.

[37] One of the two courses was independently audited by OLEPS staff.

[38] The Form 935 was filled out and signed by one trooper with the attendance list attached.

Furthermore, Field Training Officers and the Training Bureau staff need to continue to scrutinize training relating to drug interdiction and the concealment of contraband. There are courses on this topic that have been examined and have received approval for State Police attendance; however, it was noted that some courses on this topic have similar names so there has been confusion as to specifically which of these courses are sanctioned.

Summary of Standard 20

OLEPS recognizes that a period of adjustment by the membership is to be expected since the policies and procedures requiring members to submit an Outside Agency Training Appraisal Report (Form 935), along with any course-related training materials, were issued in July of 2011. However, in order to adequately monitor training, it is important that the field training coordinators/field training officers, in conjunction with the Training Bureau, approve all training attended by members provided by non-Division entities. Furthermore, the FTCs and FTOs must ensure that the members submit a completed Form 935 upon return, along with any course-related training materials.

Performance Standard 21: Central Repository for Training Records/Documentation of Training

Standards

According to State Police policies and procedures:

- The Training Bureau will maintain, in a central repository, copies of all Academy, post-Academy and trooper coach training materials, curriculum, lesson plans, and any materials received by individual members while attending outside training.

- Documentation of training will be maintained as part of the MAPPS database as well as in ACTS.

Assessment

Course curriculum for all training conducted by the Training Bureau, including both Pre-Service and In-Service, are maintained in a centralized database on the Academy's server. In addition, training records for each enlisted member can be found in both ACTS and MAPPS.

Copies of training materials received by members who attend training given by non-Division entities as well as the Outside Agency Training Appraisal Reports (Form 935) are maintained by the Training Support Unit and are also scanned in the Training Bureau's centralized database. Outside training is also captured in both ACTS and MAPPS databases.

Training records maintained in both ACTS and MAPPS were reviewed. It appears that training records are being maintained in both databases with the exception of those courses taken on a web-based training platform known as NJ Learn. It was determined that the NJ Learn system, which is administered by the New Jersey Office of Homeland Security, does not interface with State Police databases, unlike ACTS and MAPPS. However, the Training Bureau can access NJ Learn training records for those enlisted personnel who successfully or unsuccessfully complete courses posted on the NJ Learn platform. It is in this fashion that the Training Bureau is able to monitor courses taken by Division members through NJ Learn.

There are three courses posted on NJ Learn that are mandatory for enlisted personnel to complete: Domestic Violence, Blood Borne Pathogens, and Chemical Safety (HAZCOM). OLEPS reviewed training records maintained for mandatory courses for calendar years 2010 and 2011. Using a sample of 70 badge numbers while auditing the 2010 records, OLEPS determined that 14 members did not complete the Blood Borne Pathogens training, 15 members did not complete the Domestic Violence training, and 14 members did not complete the Chemical Safety Training.

Using a sample of 80 badge numbers while auditing the 2011 records, OLEPS determined that 21 members did not complete the Blood Borne Pathogens training. All 80 members completed the Chemical Safety training.

The 2011 Domestic Violence course was the same as the 2010 course and was used as the foundation of an Attorney General initiative prompted by the New Jersey Association of Chiefs of Police to provide all law enforcement throughout the State with the same training. To ensure that the training continued to meet the Attorney General's guidelines and to allow input from the 21 County Prosecutors, the training was not ready to be uploaded to the NJ Learn platform until 2012. A review of this training will appear in the next monitoring report.

The other mandatory training topics, In-Service and Firearms Qualification, are administered in person by State Police personnel and were completed by all members of the sample groups in both 2010 and 2011.

Training conducted through the NJ Learn platform is announced through a Training Order issued to all enlisted personnel by the Training Bureau. The training can be accessed through NJ Learn by members during a specified time period, for example, from January 1, 2011, through March 1, 2011. Once the training period is closed, the course can no longer be accessed. A list of those troopers who do not complete the training is generated by the Training Bureau and sent to the administrative officer of the section to which the troopers are assigned. The administrative officer notifies the troopers through the chain of command to ensure compliance. Approximately two months after the training has been closed, the Training Bureau allows access to NJ Learn for those who did not complete the course during the initial period. This "make-up" session can be accessed for approximately two months and then is closed for the rest of the training year.

As the records indicate, even with the offer of a make-up session, several troopers did not complete the required training. It is the Training Bureau's responsibility to prepare and deliver training, it is the individual trooper's responsibility to attend the training, and it is the trooper's supervisor's responsibility to ensure compliance.

During our review, OLEPS was unable to determine if there has ever been any disciplinary action taken towards a trooper who does not attend mandatory training (other than firearm qualifications). Therefore, it is OLEPS' recommendation that the State Police impose progressive discipline where there is no justification as to why a member fails to comply and to consider holding the supervisor equally accountable.

Summary of Standard 21

The Training Bureau continues to maintain training records and training materials in dedicated databases. There are issues relating to interfacing between MAPPS and off-site computer databases that maintain records relative to web-based training platforms. Nevertheless, State Police is able to access the offsite databases in order to monitor individual trooper's training records until this issue can be rectified.

Performance Standard 22: OLEPS/State Comptroller

Standards

All recruits will be informed of the enabling statute creating OLEPS, the mission of the office and the oversight function of the Office of the State Comptroller set forth in the Act. Recruits will continue to be given instruction relative to the former Consent Decree.

Assessment

Since September 2000, the Training Bureau has provided recruit classes with an explanation of the terms of the Decree up to and including the 150th State Police Class. The 151st Class was the first to graduate post- Decree. Nevertheless, the Training Bureau presented a block of instruction relating to the Decree during the 151st State Police Class and will continue to do so with all subsequent classes.

In September of 2011, OLEPS was invited to make a presentation to the 151st Class. Information was provided relative to OLEPS' enabling statute - the Law Enforcement Professional Standards Act of 2009, (N.J.S.A. 52:17B-222 et. seq.).[39] During the presentation, OLEPS reviewed the significant events that led up to the Decree, including the Interim Report and Final Report of the State Police Review Team, the Black and Latino Caucus Report, and the codification of reforms post- Decree. In addition to discussing the various responsibilities of this office, OLEPS also discussed the function and responsibilities of the State Comptroller as it relates to OLEPS and the State Police.

The Training Bureau continues to teach the concept and prohibition of bias-based policing. Furthermore, the Training Bureau provides recruit training on the constitutional requirement of the Fourth Amendment (search and seizure), ethics, leadership, and cultural diversity.

Summary of Standard 22

The Training Bureau continues to teach a block of instruction relative to the Decree, the oversight function of OLEPS as well as the responsibilities of the State Comptroller. OLEPS will continue to be involved in assisting the Training Bureau with this presentation.

[39] The Office of State Police Affairs (OSPA) was succeeded by OLEPS and delivered a block of instruction relative to Consent Decree topics to past State Police classes along with Training Bureau staff.

MAPPS

The Management Awareness Personnel Performance System (MAPPS) went into effect January 1, 2004, during the tenth reporting period. Full compliance with all MAPPS tasks (40 through 53 [6])[40] was reached in the Twelfth Monitors' Report (July 2005), when State Police demonstrated their ability to analyze aggregate stop data and trends (see Appendix One). This reporting period is the fourth since the issuance of MAPPS policies and procedures on December 31, 2008. These policies codified MAPPS policies that previously existed in annual Operations Instructions and were refined since system implementation in 2004. The independent monitors approved the policy.

Responsibility for the data in the MAPPS system is spread across multiple units within the State Police. The system itself is maintained primarily by an outside vendor that implements upgrades and enhancements to the system. The vendor is responsive to needs of the MAPPS Unit (within the Office of the Chief of Staff and under the Strategic Initiatives Officer[41]). The information contained in MAPPS is pulled from other information systems in the Division. Stop data stored in MAPPS come from the CAD system and RMS, which are managed by the Information Technology Bureau. Misconduct data and complaints that are handled as performance issues (e.g., Performance Investigation Disposition Reports or PIDRs) come from the IA-Pro database of the Office of Professional Standards. Information in MAPPS on assignments and promotions is fed from the Human Resources Bureau. Training information displayed in MAPPS is a live view of the Academy's database known as the Academy Computerized Training System (ACTS).

MAPPS data are the responsibility of multiple organizational entities. Many reviews are entered into MAPPS, creating additional available performance data about troopers. All supervisors, regardless of their unit assignment, are required to review MAPPS data and are required by MAPPS policy to note certain reviews in MAPPS. All evaluations and quarterly appraisals are to be entered into MAPPS, as are any interventions taken for members, regardless of unit assignment. Most stop data reviews of individuals and video reviews obviously fall primarily to supervisors in the Field Operations Section. Certain State Police policies further require that action be taken by supervisors to address performance issues. Unit and troop analyses of stop data and trends fall to the MAPPS Unit's Risk Analysis Core Group (RACG) that provides the synthesized data to a command-level panel for review. The RACG is also responsible for analyzing MAPPS data for specific units, such as for the Academy on trends that indicate training issues. Patterns of individual misconduct are primarily reviewed by OPS.

Methodology

This reporting period, OLEPS assessed MAPPS to ensure that the system is used according to State Police policy. MAPPS tasks, as originally outlined in the Decree, require a review that includes assessment of whether appropriate data are available in a timely manner and stored in a secure way. Additionally, whether the system is used as a management tool to inform supervisory and management decision making is assessed.

[40] Compliance with Tasks 54 and 55 was obtained by the end of 2001, and was noted in the first report. These tasks required a survey of drivers on the New Jersey Turnpike to obtain estimates of the racial compositions of drivers and permitted additional surveys of other roadways.

[41] In June 2012, the State Police reorganized this structure. The MAPPS Unit now reports to the Office of Quality Assurance within the Office of the Chief of Staff.

A formal audit of MAPPS is conducted in two parts. First, OLEPS accesses MAPPS to find evidence of specific information as required by State Police policy and procedures. Second, all troopers subject to a meaningful review[42] in the current reporting period are queried in MAPPS to determine whether there was a resolution of the review. Finally, OLEPS audits the MAPPS system by selecting a sample of troopers and accessing all records in MAPPS to ensure that all requirements per State Police policies and procedures are appropriately recorded.

OLEPS also communicates with the State Police MAPPS Unit regularly. Any issues with MAPPS are noted and communicated to the Unit. Additionally, since this Unit handles the RACG report, discussions of trends and patterns in trooper behavior are also discussed.

Performance Standard 23: Maintenance of MAPPS

Standards

According to State Police policies and procedures MAPPS must include the following types of data:

- Motor Vehicle Stop Data
- Misconduct Data
- Performance Data
- Interventions
- Assignments
- Training
- Compliments
- Motor Vehicle Stop Reviews
- Journals

Assessment

A sample of troopers was randomly selected from the badge numbers of those involved in motor vehicle stops selected for review in this reporting period. The troopers selected are representative of all troops. The size of the trooper sample depends on the size of the overall motor vehicle sample selected. For the current reporting period, a 10% sample of all troopers listed as the primary trooper. This resulted in a sample of 81 troopers for the MAPPS audit. Each trooper's MAPPS records were accessed to determine whether the required information was recorded for the reporting period in question.

[42] Meaningful reviews are conducted on troopers who receive 3 misconduct allegations within 2 years.

Motor Vehicle Stop Data

MAPPS must contain information on all motor vehicle stops performed by a given trooper. This module contains several analytic tools that allow a trooper's stop data to be examined in relation to both internal and external benchmarks. MAPPS contained motor vehicle stop data for all 81 troopers for the current reporting period.

Performance Data

Trooper Reviews

For this reporting period, OLEPS accessed the MAPPS Performance Module for evidence of quarterly and annual trooper reviews. Quarterly reviews are conducted three times a year, and the annual review is conducted in December of each year.

Of the troopers sampled, OLEPS noted that 13 troopers received some quarterly appraisals but did not receive the required total of three appraisals, as of October 2012.

OLEPS found that 12 troopers did not receive any annual review or partial review for this reporting period. Annual evaluations are categorized as Partial, Second Probationary, and Third Probationary evaluations. There were 33 full annual evaluations conducted and 28 partial evaluations conducted in 2011.

Assignments

MAPPS provides information on trooper assignments, containing both current and historical assignments for each trooper. In the current reporting period, MAPPS listed current and past assignments for all 81 troopers.

Training

The Academy Computerized Training System (ACTS) feeds data into MAPPS regarding training completion.

An audit of the Training Module was performed to determine if requisite training was being captured. The results of the audit indicated that MAPPS maintains access to current and historical information for all training courses with the exception of those courses taken through NJ Learn, an online resource. As in the previous monitoring report, MAPPS does not have the ability to interface with NJ Learn. Therefore, OLEPS advised the State Police to determine whether this issue can be resolved. If not, measures may need to be taken, such as manually entering the training information into the ACTS database, so that it will be captured by MAPPS.

This audit also revealed issues relating to the completion, or lack thereof, of mandatory training topics, as discussed in the training section of this report.

Compliments

The compliments module in MAPPS contains records of all compliments received for troopers for service performed. OLEPS found that the State Police is successfully implementing this module and lists general information pertaining to the compliment. In total, OLEPS found that 38 of the troopers sampled received a compliment in 2011.

MVR

Motor vehicle stops are required to undergo supervisory review as determined by Field Operations' review schedule. For this requirement, OLEPS determined whether the stops conducted by the sampled troopers were reviewed and stored in MAPPS. OLEPS found evidence that all 81 sampled troopers had reviews of motor vehicle stops on record for the current reporting period.

Journals

MAPPS Journal module provides supervisory personnel a method to formally document non-intervention information. Supervisors are required to notify their subordinates of journal entries in which the staff member is the subject.

There were only two journal entries made in 2011 for the sample of troopers. OLEPS is aware of the possibility that no events occurred that required journal entries for these troopers during the reporting period. However, OLEPS recommends that State Police more effectively use this module, especially given that the State Police does not regularly utilize interventions to record errors made in motor vehicle stops.

Interventions

Interventions

MAPPS contains an Interventions module wherein members may take an intervention action or task another member with administering an intervention directed toward improving a member's performance. OLEPS found that interventions were recorded for 72 of the 81 sampled troopers. These interventions resulted from a number of actions and behaviors, not necessarily from a motor vehicle stop.

Commendation Performance Notices

Commendation PN's are stored within the Intervention module and are used by supervisors to commend a trooper for a job well done. OLEPS found that 75 troopers had at least one commendation performance notice in 2011.

Counseling Performance Notices

Counseling PN's are stored within the Intervention module and are used by supervisors to counsel a trooper on a number of potential issues. OLEPS found that eight troopers had at least one counseling commendation performance notice in 2011.

Misconduct

MAPPS contains information regarding trooper misconduct. This information is used by supervisors to remedy any deficiencies through a progressive system that utilizes interventions. In 2011, out of the 81 sampled troopers, 17 had at least one misconduct listed in MAPPS.

Meaningful Reviews/ 3 in 2 Reviews

The State Police has developed a notification system that triggers a detailed review when a third misconduct case occurs in a two-year period (3 in 2 reviews). Development of protocols for implementation of this provision has been a primary focus for several reporting periods. During the tenth reporting period, the State Police had assigned responsibility for this task to OPS. The data indicated that these reviews are being conducted by OPS. Evidence available in MAPPS indicates that supervisory personnel are meeting with troopers who are the subject of a meaningful review and, when necessary, discussing any applicable patterns of complaints.

The procedure for evaluating meaningful reviews differs slightly from the overall MAPPS review. Instead of utilizing a sample of all troopers involved in stops, a list of all troopers receiving a meaningful review in 2011 was obtained from the State Police's IA-PRO database. In total, there were 59 meaningful reviews conducted in 2011.

Protocols for these reviews were redrawn as a result of issues raised in the Monitors' Seventeenth Report (See the Monitors' Seventeenth Report for details of these issues). OPS is required to document meaningful reviews in the Intervention Module in MAPPS. Supervisors are required to note the review with the member by documenting it in the Journal Module (if no further formal intervention is required). In addition, the MAPPS Unit undertook an examination of all data published in MAPPS from the IA-Pro system and set up new protocols for routine auditing of the IA-Pro data, implemented during the previous reporting period.

The OPS process for the 3 in 2 reviews for this reporting period allowed meaningful reviews to begin while individual misconducts were still pending investigation. In the second reporting period, meaningful reviews were not conducted until all misconduct investigations were completed.

MAPPS contained interventions for 54 of the 59 meaningful reviews conducted in 2011. In 51 meaningful reviews, there was evidence of a journal entry documenting a supervisor's meeting with the trooper. Again in this time period, OPS reviews are geared toward determining if there are any training issues identified by the three (or sometimes more) cases reviewed.

There were five meaningful reviews that did not contain information indicating whether the review was ever conducted, completed, or reviewed with a trooper. In one of these instances, the State Police have not identified the trooper involved, potentially for confidentiality purposes. Two of the meaningful reviews that lack any follow-up information are for the same trooper. In this instance, a

second meaningful review was opened prior to the first review being conducted. Traditionally, only one meaningful will be conducted in this scenario. In fact, only one of these reviews is listed as active, despite both having meaningful review incident numbers. The remaining meaningful reviews are all listed as active, suggesting that they are ongoing. However, all of these reviews began over a year ago. OLEPS recommends that the State Police appropriately and in a timely manner, complete meaningful reviews. Additionally, each meaningful review should be properly documented according to State Police policy.

As noted in previous monitoring reports, OLEPS recommends that the State Police formally document their procedures concerning meaningful reviews. To date, OLEPS has not received a formal written policy.

Central to the development and maintenance of the MAPPS system is the issue of appropriate staffing to work on the system. While earlier reporting periods (17th) praised the number and quality of personnel resources in the MAPPS unit, since then, the MAPPS unit has experienced a loss of personnel. Accordingly, the Unit's small staff are overly burdened given their numerous responsibilities. Previous reports noted the Division's attempt to receive a waiver of the State hiring freeze in order to hire a skilled civilian replacement; the waiver application was denied. A sufficient core civilian staff that would not be subject to transfer is necessary to fulfill the Division's growing analytic needs and is, therefore, a priority. In the continuing opinion of OLEPS, the addition of a senior analyst with strong technical report-writing skills would be an excellent addition to the civilian staff. Concern does exist regarding the ability of the MAPPS Unit to continue compliance with its requirements given its limited personnel. Support for analytic capabilities within the State Police must remain a high priority so that sufficient and appropriately trained civilian and enlisted personnel are able to maintain routine functions at this level. MAPPS personnel need to perform an increasing array of new analytic tasks in an organization with escalating data needs to inform its decisions.

Summary of Standard 23

OLEPS' audit of MAPPS indicated that MAPPS contains the requisite information and data. As noted in Performance Standard 10, OLEPS recommends the State Police utilize the intervention module in MAPPS to record communication to troopers who have made an error during a motor vehicle stop. Additionally, the audit revealed an issue between the MAPPS, ACTS, and NJLearn databases, which were discussed in the Training section of this report. OLEPS also recommends that an official policy on meaningful reviews be adopted, especially in relation to the cataloguing of such reviews. As noted above, there is a lack of consistency in the way such reviews are recorded in MAPPS, which could be solved with a formal policy.

Performance Standard 24: MAPPS Reports

Standards

This standard was Task 50 in the previous monitoring report and remains unchanged. The data held within MAPPS is used in the creation of reports that assist the State Police in self-assessment and risk management. Pursuant to State Police policy, these reports will be used to identify both organizational and member/personnel risk issues and trends over time. As noted in the Decree, analyses of MAPPS data concerning motor vehicle stops shall include comparisons of:

- Racial/ethnic percentages of all motor vehicle stops
- Racial/ethnic percentages of all motor vehicle stops by reason for the stop (e.g., moving violation, non-moving violation, other)
- Racial/ethnic percentages of enforcement actions and procedures taken in connection with or during the course of stops
- Racial/ethnicity for motor vehicle consent searches
- Racial/ethnic percentages for non-consensual searches/seizures of motor vehicles
- Racial/ethnic percentages of requests for consent to search vehicles with "find" rates
- Evaluations of trends and differences over time
- Evaluations of trends and differences between troopers, units and subunits
- To the extent possible, a benchmark racial/ethnic percentage should be used

Assessment

The requirements of this standard are assessed through OLEPS' review of the quarterly Risk Analysis Core Group (RACG) Reports. OLEPS reviewed reports published by MAPPS on the racial/ethnic distribution of stops and post-stop interactions. OLEPS also attended meetings in which these reports were reviewed. OLEPS ensured that trends found in trooper behavior continue to be reviewed.

For several reporting periods, the State Police has presented detailed documentation regarding benchmarking and trend analysis. The State Police has formed specific units and workgroups who are assigned to analyze motor vehicle stop data according to these requirements and to coordinate decision making regarding the results of this in-depth analysis.

These reports include the examination of racial/ethnic percentages for all stops based on reasons for the stop and enforcement actions. The analysis specifically focuses on both PC and RAS consent searches and the find rates for these searches. Non-consensual searches are also examined. Each report and presentation focuses not only on the current year, but also two previous years. The focus of these reports and presentations changes each quarter. One troop is selected for primary analysis each quarter, but analysis for the entire division is also presented.

The State Police created an external benchmark in 2000. However, the usefulness of this benchmark has expired. The population of the United States and New Jersey in particular has changed dramatically since 2000, rendering the benchmark an inappropriate comparison for current enforcement activities. Additionally, advancements and focuses in policing have shifted dramatically

since the measurement of the available benchmark. As such, the State Police utilize a rough internal benchmark (the Division-wide racial/ethnic percentages) to compare motor vehicle stops and associated activity.

OLEPS reviews the MAPPS RACG Report and provides commentary and suggestions for future analytic directions. The State Police has been very receptive to these suggestions, providing a response and a rationale regarding each of OLEPS' suggestions.

Overall, the MAPPS Reports exceed the requirements of this performance standard.

Oversight & Public Information

Performance Standard 25: Maintenance of the Office of Law Enforcement Professional Standards

Standards

The Law Enforcement Professional Standards Act of 2009 (N.J.S.A. 52:17B-222, et. seq.) (the Act), created the Office of Law Enforcement Professional Standards (OLEPS). OLEPS is tasked with monitoring the State Police. Existence of and appropriate staffing of OLEPS will serve as evidence of maintenance of the office.

OLEPS is required to complete the following tasks:

- Timely publication of biannual reports assessing aggregate patterns and trends in motor vehicle stop data
- Timely publication of biannual monitoring reports assessing State Police compliance with all requirements put forth in the Act

Assessment

OLEPS continued its function in the current reporting period. However, OLEPS noted a delay in receiving data for this report from the State Police, which led to a delay in the assessment of motor vehicle stops, the writing of this report, and publication of this report.

During the current reporting period, OLEPS was behind on the publication of both the aggregate and monitoring reports. Since then, OLEPS has published all required aggregate reports. With the publication of this report, OLEPS is current on its reporting responsibilities, thus, fulfilling the requirements of this standard.

All of OLEPS' reports and publications can be found on the OLEPS' website:
http://www.nj.gov/oag/oleps

Just as OLEPS audits the State Police, the State Comptroller audits OLEPS' audits and publications. These audits can be found on the Comptroller's website: http://www.nj.gov/comptroller/index.shtml

Performance Standard 26: Approval of Revisions to Protocols, Forms, Reports, and Logs

Standards

This standard remains unchanged from the Consent Decree:

> *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 OLEPS and the Attorney General. Such approval shall be deemed provided 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.*

Assessment

The State Police continues to discuss changes/revisions to protocols, forms, reports, and logs with OLEPS. OLEPS reviews and comments on proposed changes to State Police policies and procedures and associated documentation.

Summary

Overview

The results of OLEPS' analysis of the State Police from January 1, 2011 to December 31, 2011 indicate that, overall, the State Police follow the guidelines regulating trooper activity. The 526 motor vehicle stops, MAPPS data, OPS cases, and training documentation reviewed indicate that the State Police adheres to its own policies and procedures.

The review of motor vehicle stops indicated that there was no clear evidence of a significant racial/ethnic bias in stops or post-stop activities. White drivers were more likely to receive a consent to search request, Black drivers were more likely to receive a canine deployment, and White drivers were more likely to be involved in uses of force. While Black drivers are more likely to be involved in stops with canine deployments, OLEPS cannot conclude that this is the result of any bias-based practices. OLEPS will continue to examine canine deployments in depth, and advises the State Police to do so as well.

As in the previous reporting period, significant differences were found in the length of stops for each racial/ethnic group. White drivers, on average, had the shortest stops compared to other racial/ethnic groups. Asian drivers had an unexpectedly high average stop length, which upon further investigation resulted from a single complex stop. Overall, stops reviewed in this reporting period were lengthier than those reviewed in the previous reporting period. However, this difference is likely the result of sample selection; the previous reporting period contained a higher number of stops where a consent to search request was denied than the current period.

Stops selected for this reporting period were chosen based on whether the odor of marijuana was cited as a reason for a consent to search request. There were 229 stops reviewed where the odor of marijuana was cited. Statistical analyses revealed no significant racial/ethnic differences in the distribution of this reason. Overall, there were more White drivers than Black drivers who were asked for consent to search based on the odor of marijuana.

OLEPS continues to note issues pertaining to the completion of consent forms. The forms were unavailable when data were requested from the State Police. While these forms were required to be scanned into databases, many were not completed properly. OLEPS noted several instances where the CAD number was missing and/or where the forms were not checked off as to whether consent was granted or denied. OLEPS anticipates that the issue of missing forms will be resolved in future reporting periods since the State Police has adopted a policy of scanning these forms directly into RMS.

In the second and third reporting period, OLEPS noted that supervisory presence in the field was extremely low. There was an increase in supervisory field presence in the current reporting period, but the overall percentage of stops where a supervisor was present still remains around one-third of all stops reviewed.

The MAPPS audit revealed an issue linking training records to MAPPS. Specifically, training courses provided by NJLearn did not appear in trooper's training records in MAPPS. OLEPS recommends that the State Police document all training records in MAPPS.

The MAPPS audit also indicated that there is still inconsistency in the meaningful review process. While only one review had no record in MAPPS, some had interventions and some had journal entries detailing the review. While it is understandable that not all reviews may generate the need for action, the State Police should develop an agreed upon method for documenting the review in MAPPS.

Previous monitoring reports have noted issues in the audio and video recording of motor vehicle stops. OLEPS noted an improvement in the number of stops with these issues and credits the State Police's vigilance in maintaining recording equipment.

In the previous monitoring report, OLEPS noted the unavailability of DIVRs due to inadequate storage. For the current reporting period, OLEPS encountered fewer instances where a DIVR was unavailable because the record was not transferred to long term storage.

This report contained much more information regarding the errors made by the State Police. Generally, the State Police do catch more errors than OLEPS, however, the proportion that the State Police did not catch increased in this reporting period. It is OLEPS' recommendation that the State Police increase the level of detail in supervisory reviews. Considering the State Police dramatically reduced their review workload in 2011, it was expected that the stops that did receive a review (499 of 526 in this sample) would be detailed and comprehensive. OLEPS specifically noted a high number of uncaught errors pertaining to consent to search requests, generally referring to the completion of forms.

For several reporting periods, OLEPS has noted issues pertaining to Miranda warnings during an arrest where troopers fail to properly provide the warning to citizens. In the sixth reporting period, OLEPS will specifically review stops with arrests to gain a more comprehensive understanding of the Miranda issue. Beginning in 2013, OLEPS will also assess the appropriate use of Miranda as it pertains to State Police policies. According to such policies, troopers are required to issue Miranda for **all** arrests, whether or not the trooper questions or interrogates the citizen. Historically, OLEPS only assessed the use of Miranda when a trooper interrogates a citizen.

As noted in OLEPS' Fourth Monitoring Report, OLEPS now assesses the State Police's use of interventions. The number of interventions issued for each error caught by the State Police were noted in this report, but OLEPS made no determination of whether these levels were acceptable or not. The Sixth Monitoring Report will again include this information and the Seventh Monitoring Report will be the first where OLEPS calculates rates of usage for interventions. OLEPS continues to recommend that the State Police make greater use of interventions to record trooper excellences and deficiencies.

In the current reporting period, OLEPS noted three instances where a canine was utilized at the scene of a stop without proper supervisory approval. While these troopers were serving in a backup capacity, State Police policies still require supervisory approval for the deployment of canines. OLEPS will continue to scrutinize the use of canines in motor vehicle stops.

In this reporting period, OLEPS noted an increase in the number of critical incidents. The number of RAS consent to search requests, canine deployments, and uses of force were all higher in 2011 than

in previous years. OLEPS anticipates future discussions with the State Police on likely explanations for these increases.

This report also reviewed the Training Bureau's activities for 2010 and 2011. As previously noted the State Police adhere to the training cycle chosen for the Training Bureau and has demonstrated a proficiency evaluating the effectiveness of training content and delivery. However, OLEPS is concerned with the continued definition of problems as "training issues" despite the Training Bureau's repeated presentations of these issues using various instructional methods of delivery. For example, the number of errors pertaining to the activation and continued use of audio and video recordings are highlighted as an issue merely requiring additional training. After four years of addressing the issue in annual training, there has not been an improvement in these errors. OLEPS recommends that State Police note the efforts taken to address such issues and recognize that supervisors cannot delegate their supervisory responsibilities by labeling recurring problems "training issues."

While auditing documentation of training, instances of non-attendance at mandatory training were noted. As stated in this report, it is the Training Bureau's responsibility to prepare and deliver training, it is the individual trooper's responsibility to attend the training, and it is the trooper's supervisor's responsibility to ensure compliance. It is OLEPS' recommendation that the State Police impose progressive discipline where there is no justification as to why a member fails to comply and to consider holding the supervisor equally accountable.

During this reporting period the policies and procedures surrounding the monitoring of training by non-Division entities was instituted. It is important State Police continue to closely scrutinize training requests to ensure that the training comports to New Jersey State laws and State Police policies and procedures.

For several reporting periods, OLEPS has commented on staffing levels in critical units of the State Police. Specifically, the MAPPS Unit, OPS, and the Training Bureau are understaffed compared to the workload of these units. Each of these units completes tasks specifically required by the independent monitors. It is anticipated that the Training Bureau will be training two recruit classes in 2013. If the Training Bureau maintains its current staffing levels, the delivery of mandated post-service training will continue to be negatively impacted as seen during this reporting period. Furthermore, it will also impact the seven-step training cycle and various methods of instruction, such as scenario-based training. Training, especially in law enforcement, should not be subject to compromise as training effectively reduces organizational risks. OLEPS continues to strongly recommend that the State Police appropriately and adequately staff these units.

Recommendations

Given the issues noted in this report. OLEPS recommendations are as follows.

- Continue analysis on racial/ethnic distributions and differences of motorists involved in stops.
- Continue detail focused supervisory reviews, paying special attention to consent to search forms and Miranda violations.
- Increase the use of interventions as a record of supervisory comments.
- Continue training on the proper use of Miranda.
- Reiterate the requirements for a canine deployment, especially in instances where canine handlers serve as back-up on a stop.

- Continue to increase supervisory presence in the field.
- Ensure that State Police units that handle a large portion of tasks related to the Decree (i.e., OPS, MAPPS, ITB, and Training Bureau) have staff sufficient to meet their mission.
- Clearly and formally detail the process for conducting 3 in 2, or meaningful, reviews.
- Address issues between State Police databases that lead to incomplete records.
- Continued vigilance in upgrades or repairs to aging audio and video equipment.
- Hold troopers and their supervisors accountable for non-attendance at mandatory training.
- Continue to closely scrutinize all requests to attend training offered by non-Division Entities to ensure that the training comports to State Polices policies and procedures.

APPENDIX ONE
Biannual Monitoring Reports

Report	Publication Date	Reporting Period
Monitors' First Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	October 6, 2000	December 31, 1999-September 15, 2000
Monitors' Second Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	January 10, 2001	September 30, 1999-December 15, 2000
Monitors' Third Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	April 12, 2001	December 16, 2000- March 15, 2001
Monitors' Fourth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	July 17, 2001	January 1, 2001-March 31, 2001
Monitors' Fifth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	January 14, 2002	May 30, 2001-December 15, 2001
Monitors' Sixth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	July 19, 2002	December 31, 2001-May 30, 2001
Monitors' Seventh Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	January 17, 2003	May 1, 2002-October 30, 2002
Monitors' Eighth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	August 21, 2003	October 1, 2002-March 31, 2003
Monitors' Ninth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	January 23, 2004	April 1, 2002-September 30, 2003
Monitors' Tenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	July 16, 2004	October 1, 2003-March 31, 2004
Monitors' Eleventh Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	December 20, 2004	April 1, 2004-September 30, 2004
Monitors' Twelfth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	July 12, 2005	October 1, 2004-March 31, 2005
Monitors' Thirteenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	December 2005	April 1, 2005-September 30, 2005
Monitors' Fourteenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	June 2006	October 1, 2005-March 31, 2006
Monitors' Fifteenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	January 2007	April 1, 2006-September 30, 2006
Monitors' Sixteenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	August 2007	October 1, 2006-March 31, 2007

Report	Publication Date	Reporting Period
Monitors' Seventeenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)[43]	April 16, 2009	January 1, 2007- December 31, 2007
First Monitoring Report Prepared by Office of Law Enforcement Professional Standards	April 29, 2010	January 1, 2008- December 31, 2008
Second Monitoring Report Prepared by Office of Law Enforcement Professional Standards	August 2011	January 1, 2009-June 30, 2009
Third Monitoring Report Prepared by Office of Law Enforcement Professional Standards	July 2012	July 1, 2009- December 31, 2009
Fourth Monitoring Report Prepared by Office of Law Enforcement Professional Standards	October 2012	January 1, 2010- December 31, 2010

[43] First report written by the Office of State Police Affairs (OSPA), which became the Office of Law Enforcement Professional Standards (OLEPS).

APPENDIX TWO

Table 2.1: Type of Errors Caught by Station

	Recording	Reporting	Communication	Exits	Frisks	Search Vehicle	Search of Person	Consent Requests	Canine Deploy.	Use of Force	Arrest	Total
Atlantic City	6	3	7	0	1	0	0	6	0	0	1	**24**
Bass River	4	6	0	0	0	0	3	5	0	0	1	**19**
Bellmawr	14	15	0	1	1	4	2	12	1	0	6	**56**
Bloomfield	0	2	5	0	0	0	0	2	0	0	0	**9**
Bordentown	11	2	5	0	0	0	0	1	0	0	2	**21**
Bridgeton	5	2	0	0	1	0	0	1	1	0	2	**12**
Buena Vista	7	8	0	0	1	0	2	0	0	0	0	**18**
Cranbury	13	9	9	1	3	0	0	8	1	0	0	**44**
Hamilton	12	4	6	0	0	0	0	0	0	0	4	**26**
Holmdel	17	7	0	0	0	0	2	11	0	0	2	**39**
Hope	2	1	5	0	0	2	2	1	0	0	2	**15**
Kingwood	3	0	0	0	0	0	0	2	0	0	0	**5**
Metro North	1	0	0	0	0	0	0	0	0	0	0	**1**
Moorestown	9	12	7	2	0	2	4	4	1	0	2	**43**
Netcong	5	3	0	0	0	0	0	1	0	0	3	**12**
Newark	8	2	20	1	5	1	0	1	0	2	0	**40**
Other	11	8	0	0	3	0	0	5	1	0	4	**32**
Perryville	4	1	0	0	0	0	0	3	0	1	0	**9**
Port Norris	10	7	2	0	0	1	1	1	0	0	0	**22**
Red Lion	7	2	2	0	0	0	0	0	0	0	0	**11**
Somerville	10	12	2	0	1	0	0	2	0	0	0	**27**
Sussex	2	5	0	0	0	0	0	3	0	0	1	**11**
Totowa	3	3	0	0	0	0	0	2	0	0	0	**8**
Tuckerton	13	2	0	0	0	1	2	2	0	0	0	**20**
Washington	1	2	0	0	0	0	0	0	0	0	0	**3**
Woodbine	6	1	8	0	0	0	0	4	0	0	2	**21**
Woodstown	8	8	7	0	0	0	0	2	0	0	0	**25**
Total	**192**	**127**	**85**	**5**	**16**	**11**	**18**	**79**	**5**	**3**	**32**	**573**

Table 2.2: Type of Errors Not Caught by Station

	Recording	Reporting	Communication	Exits	Frisks	Search Vehicle	Search of Person	Consent Requests	Canine Deploy.	Use of Force	Arrest	Total
Atlantic City	0	2	1	0	0	0	0	3	0	1	0	**7**
Bass River	0	1	0	0	1	0	1	2	0	0	1	**6**
Bellmawr	1	4	0	2	1	1	1	8	0	0	3	**21**
Bloomfield	0	0	0	0	0	0	0	0	0	0	0	**0**
Bordentown	0	4	1	0	0	1	1	16	0	0	3	**26**
Bridgeton	0	1	0	0	3	1	2	6	1	0	2	**16**
Buena Vista	0	0	0	0	0	0	1	1	0	0	0	**2**
Cranbury	0	2	1	0	0	1	0	9	0	0	0	**13**
Hamilton	2	6	0	0	0	0	1	12	0	0	3	**24**
Holmdel	1	3	0	1	0	0	0	4	0	0	4	**13**
Hope	0	0	0	0	0	0	0	0	0	0	0	**0**
Kingwood	0	1	0	0	0	0	0	3	0	0	0	**4**
Metro North	0	0	0	0	0	0	0	0	0	0	0	**0**
Moorestown	0	1	0	0	1	0	2	13	0	0	4	**21**
Netcong	0	1	0	0	0	1	0	3	0	0	2	**7**
Newark	0	4	0	0	0	0	3	9	1	0	3	**20**
Other	3	4	0	0	0	2	4	7	0	0	3	**23**
Perryville	0	1	0	0	0	0	0	1	0	0	1	**3**
Port Norris	2	3	0	0	0	0	0	1	0	0	1	**7**
Red Lion	0	3	0	0	0	0	2	6	0	1	6	**18**
Somerville	0	6	3	0	2	0	1	6	0	1	0	**19**
Sussex	0	2	0	0	0	0	0	8	0	0	3	**13**
Totowa	0	2	0	0	0	3	2	2	0	0	0	**9**
Tuckerton	0	0	0	0	0	0	1	3	0	0	0	**4**
Washington	0	2	0	0	0	0	1	1	0	0	0	**4**
Woodbine	2	0	5	0	0	0	0	1	0	0	1	**9**
Woodstown	0	1	1	0	0	0	2	9	0	0	1	**14**
Total	**11**	**54**	**12**	**3**	**8**	**10**	**25**	**134**	**2**	**3**	**41**	**303**

APPENDIX THREE

Supplemental Data Analysis Results

Chi-Square Overview:

Chi-square analysis is often referred to as a "Goodness-of-Fit Test". This test is used to estimate how closely an observed distribution matches an expected distribution. The expected distribution is what would be expected assuming all events had an equal likelihood of occurring.

For each use of chi-Square in this report, the test is assessing a null and an alternative hypothsis. The null hypothesis is that the two variables- generally race/ethnicity and the enforcement activity- are independent. This means that the likelihood of each enforcement activity is the same for all racial/ethnic groups. The alternative hypothesis is that these two variables are not independent; that the likelihood of an enforcement activity is not the same for all racial/ethnic groups.

Using a statistical program, an estimate of the expected distribution of each enforcement is calculated. The expected distribution and the observed distribution are used in the chi-square formula:

$$X^2 = \sum \frac{(\text{observed*frequency} - \text{expected*frequency})^2}{(\text{expected*frequency})}$$

Once the chi-square statistic is calculated, assessment of significance can be done. First, to assess significance, a significance level must be aggreed upon. Throughout statistics, $p<.05$ is a common significance level. A "p" level indicates the probability that a statistical relationship could reflect only chance. The smaller the size of "p," the smaller the probability the relationship happened by chance. If a reported chi-square statistic reaches a "p" level of 0.05 (or smaller), there is no more than a five-percent probability that the distribution of the data in that table happened by chance, and therefore any differences across groups seen in the table are considered statistically significant.

After obtaining the agreed upon significance level, the degrees of freedom need to be calculated. "Degrees of freedom" (df) refer to the how much about the observed data needs to be known (or can "be free" to vary) before all the observations would be determined. The size of a statistic needed to achieve a particular level of significance ("p") is determined by the degrees of freedom. For the chi-square statistic, the degrees of freedom translate into the number of cells in a table for which the data distribution needs to be known before all the cells are determined. To calculate the degrees of freedom, use the following formula:

df= (# of columns-1) * (# of rows-1)

After calculating the chi-square statistic, the degrees of freedom, and establishing the significance level, you must consult a chi-square distribution table to determine whether the chi-square statistic allows you to reject your null hypothesis or fail to reject it. If your chi-square value is less than the value under your level of significance, you cannot reject your null hypothesis that the likelihood of each enforcement activity is the same. If your value is more than the value reported on the Distribution table, you can reject the null hypothesis and conclude that the likelihood of enforcement is not the same for all racial/ethnic groups.

Example:

As an example, the calculation of the chi-square will be reviewed for Table One.

Table one presents the observed frequencies for whether a consent request was made of Black, White, and Hispanic drivers. The null hypothesis is that Black, White, and Hispanic drivers have an equal chance of receiving a consent request or not. The alternative hypothesis is that Black, White, and Hispanic drivers do not have an equal chance of receiving a consent request.

Table One: Consent Requests by Race/Ethnicity of Driver

5th OLEPS Reporting Period

	Black	White	Hispanic	Total
No Consent Request	19	27	13	59
Consent Request	190	216	46	452
Total	209	243	59	511

While a statistical program usually calculates the expected frequencies, they can also be calculated by hand. To do this we will use the following formula:

$$\frac{\text{Row total} * \text{Column Total}}{\text{Total n for the table}}$$

First, calculate the expected frequency for Black drivers with no consent request. The row total is 59 and the column total is 209. The total n for the table is 511.

$$\frac{59*209}{511} = 24.1$$

Thus, the expected value of Black drivers without a consent request is 24.1. The same formula is calculated for each racial/ethnic group for no consent request and for consent request. The table below presents the expected values for each cell in parentheses.

	Black	White	Hispanic	Total
No Consent Request	19*(24.1)*	27*(28.1)*	13*(6.8)*	59
Consent Request	190(*184.9)*	216*(214.9)*	46*(52.2)*	452
Total	209	243	59	511

Using the chi-square formula, the chi-square value is calculated.

$$\chi^2 = \sum \frac{(\text{observed*frequency} - \text{expected*frequency})}{(\text{expected*frequency})}$$

$$\chi^2 = \frac{(19-24.1)^2}{24.1} + \frac{(190-184.9)^2}{184.9} + \frac{(27-28.1)^2}{28.1} + \frac{(216-214.9)^2}{214.9} + \frac{(13-6.8)^2}{6.8} + \frac{(46-52.2)^2}{52.2}$$

$\chi^2 = 7.63$

We will you the standard significance level of $p<.05$.

Next, calculate the degrees of freedom.

$$df = (\#\text{ of columns}-1) * (\#\text{ of rows}-1)$$

$$df = (3-1) * (2-1)$$

$$df = 2$$

Consulting the chi-square Distribution Table (available in most basic statistics books or online), indicates that in order to reject the null hypothesis at a significance level of .05, the chi-square statistic needs to be 5.99 or greater. Our value is 7.63, more than the required value. This means that we reject the null hypothesis; there is a significant difference between the racial/ethnic distribution of consent requests.

Table Two: Canine Deployments by Race/Ethnicity of Driver

5th OLEPS Reporting Period

	Black	White	Hispanic	Total
No Canine Deployment	164	215	48	427
Canine Deployment	45	28	11	84
Total	209	243	59	511

X^2=8.43, df=2
p=.01[44]

Table Three: Uses of Force by Race/Ethnicity of Driver

5th OLEPS Reporting Period

	Black	White	Hispanic	Total
No Force	194	224	48	466
Use of Force	15	19	11	45
Total	209	243	59	511

X^2=8.069, df=2
p=.017

Table Four: Arrest Data by Race/Ethnicity of Driver

5th OLEPS Reporting Period

	Black	White	Hispanic	Total
No Arrest	18	26	9	53
Arrest	191	217	50	458
Total	209	243	59	511

X^2=2.237, df=1
p=.327

[44] The *p*-values reported here indicate the standard of significance required to conclude that the likelihood of these enforcement activities is not equal among groups, as reported by the statistical software used. The standard significance level used is p<.05. This means that if the *p*-value reported in any of these tables is .05 or less, then we can conclude that there is a significant difference in the likelihood of enforcement activities based on race/ethnicity. If the difference is not significant, the same results could have been achieved by chance rather than purposive behavior.

Table Five: Sampled Vehicle Stop Rates by Reason for Stop

5th OLEPS Reporting Period

	White	Non-White	Total
Rate of Speed	46	65	111
FTML	63	43	106
Equipment Violations	21	36	57
Safety Violations	8	19	27
Failure to Signal / Improper Lane Change	13	21	34
Total	**151**	**184**	**335**

X^2=14.224, df=4
p=.007

Table Six: Consent Request Stop Rates by Reason for Consent

5th OLEPS Reporting Period

Race / Ethnicity	Reasonable Articulable Suspicion	Probable Cause	Mean
	(1)	(2)	
White	88	128	1.59
Black	75	115	1.6
Hispanic	22	24	1.52
Total	185	267	1.59

X^2=8.605, df=4
p=.072

Table Seven: Type of RAS Consent Request by Race/Ethnicity of Driver

5th OLEPS Reporting Period

	White	Non-White	Total
Intangible	2	6	8
Tangible	5	0	5
Probative	79	94	173
Total	86	100	186

X^2=7.288, df=2
p=.026
4 cells have an expected count of less than 5

Table Eight: Canine Deployment Rates by Reason for Deployment

5th OLEPS Reporting Period

Race/Ethnicity	Reasonable Articulable Suspicion (1)	Probable Cause (2)	Mean
White	22	4	1.15
Non-White	49	8	1.14
Total	71	12	1.14

X^2=8.793, df=2
p=.012

Table Nine: Arrest Reasons by Race/Ethnicity of Driver

5th OLEPS Reporting Period

Race/Ethnicity	Probable Cause	Warrant	Warrant and PC	Total
White	166	12	39	217
Non-White	171	28	54	253
Total	337	40	93	470

X^2=6.172, df=2
p=.046

Table Ten: Day v. Night Stops

5th OLEPS Reporting Period

	Day	Night	Total
White	130	113	243
Black	107	102	209
Hispanic	28	31	59
Other	7	8	15
Total	272	254	526

X^2=.913, df=3
p=.822

Independent Samples *t*-test

Overview

This test can be used to determine whether two means are different from each other when the two samples are independent. For this report, the independent samples are the racial/ethnic categorizations of drivers involved in motor vehicle stops. These groups are independent, they have not been matched.

The first step in a *t*-test is to develop hypothesis. The null hypothesis is that the lengths of stops for each group are equal. The alternative is that the lengths of stops are not equal. Because these hypotheses only mention difference and not direction, a two-tailed test will be used. As with the *Chi-Square* test, the significance level to be used is .05.

SPSS was used to calculate the *t* value; however this can also be done by hand using the following formula:

$$t = \frac{(\bar{x}_1 - \bar{x}_2) - (\mu_1 - \mu_2)}{S_{\bar{x}_1 - \bar{x}_2}}$$

X_1= mean of group 1
X_2= mean of group 2
μ_1= population 1
μ_2=population 2
S= estimated standard error[45]

Example:
Hypothesis: Do White and Black drivers differ in the length of their motor vehicle stops? The mean stop length for White drivers is 45.62, the standard deviation is 23.86, and n=307. The mean stop length for Black drivers is 55.64, the standard deviation is 33.03, and n=283.

Hypothesis:
H_0= the length of stops are equal for White and Black drivers
H_1= the length of stops are not equal for White and Black drivers

Set criteria:
Significance level (α)= .05

For this test, the degrees of freedom are calculated using this formula:

$$df = n_1 + n_2 - 2$$

n_1=the number of observations in sample 1
n_2= the number of observations in sample 2

[45] There are several steps required to calculate the estimated standard error. Information on how to calculate this can be found in a statistics text book.

df= 307+283-2

df=588

Critical value for the *t*-test:

This is determined by looking at a t-distribution and finding where the degrees of freedom for the sample and the desired significance level intersect. For this example, *t* critical is: 1.64

Calculate the mean and standard deviation. This information has been provided. The mean stop length for White drivers is 45.62, the standard deviation is 23.86, and n=307. The mean stop length for Black drivers is 55.64, the standard deviation is 33.03, and n=283.

To calculate the *t*-statistic begin by plugging in values into the above equation.

$$t = \frac{(45.62-55.64) - (\mu_1 - \mu_2)}{S_{x1-x2}}$$

$(\mu_1 - \mu_2)$ defaults to 0

$$t = \frac{(45.62-55.64)}{S_{x1-x2}}$$

To calculate S, use this equation:

$$s_{\bar{x}_1-\bar{x}_2} = \sqrt{\frac{s^2_{pooled}}{n_1} + \frac{s^2_{pooled}}{n_2}}$$

First, the estimated standard error of the difference must be calculated:

$$s^2_{pooled} = \frac{(df_1)s^2{}_1 + (df_2)s^2{}_2}{df_1 + df_2}$$

$df_1=n_1-1$ $df_1=307-1$ $df_1=306$

$df_2=n_2-1$ $df_2=283-1$ $df_2=282$

$$S^2_{pooled} = \frac{(306)23.86^2 + (282)33.03^2}{306+282}$$

$$S^2_{pooled} = \frac{(306)569.29 + (282)1098.98}{588}$$

$$S^2_{pooled} = \frac{174203.74 + 309912.36}{588}$$

$$S^2_{pooled} = 823.32$$

$$s_{\bar{x}_1 - \bar{x}_2} = \sqrt{\frac{s^2_{pooled}}{n_1} + \frac{s^2_{pooled}}{n_2}}$$

$$S_{x1\text{-}x2} = \sqrt{\frac{823.32}{307} + \frac{823.32}{283}}$$

$$S_{x1\text{-}x2} = \sqrt{2.68 + 2.90}$$

$$S_{x1\text{-}x2} = \sqrt{5.58}$$

$$S_{x1\text{-}x2} = 2.36$$

Plug this value back into the equation for *t*:

$$t = \frac{(45.62 - 55.64)}{2.36}$$

$$t = \frac{(45.62 - 55.64)}{S_{x1\text{-}x2}}$$

$$t = \frac{10.02}{2.36}$$

$$t = 4.24$$

Compare the *t* value calculated, 4.24, to the critical *t* value from the table,1.64.

Since the calculated *t* value is higher, we can rejected he null hypothesis and accept the alternative hypothesis.

Therefore, there is a significant difference in the length of motor vehicle stops for White drivers and Black drivers.

APPENDIX FOUR

Definitions of Acronyms and Abbreviations

BOLO: Be on the Look Out

CAD: Computer Aided Dispatch. The dispatch system employed by State Police.

DTT: Duty to Transport

FTML: Failure to Maintain Lane

IAIB: Internal Affairs Investigation Bureau

IA-Pro: Internal Affairs Professional. The database used by OPS.

Independent Monitors: The monitoring team put in place by the Department of Justice.

MAPPS: Management Awareness & Personnel Performance System. The database used to monitor all trooper activity. It is fed from CAD, RMS, and IA-Pro

MDT: Mobile data terminal. The computer inside State Police vehicles.

MVSR: Motor vehicle stop report

O.I.: Operations Instructions

OLEPS: Office of Law Enforcement Professional Standards. Formerly OSPA

OPS: Office of Professional Standards. The office handles the disciplinary process for the State Police.

OSPA: Office of State Police Affairs. Became OLEPS.

PC: Probable Cause

RAS: Reasonable articulable suspicion

RMS: Records Management system

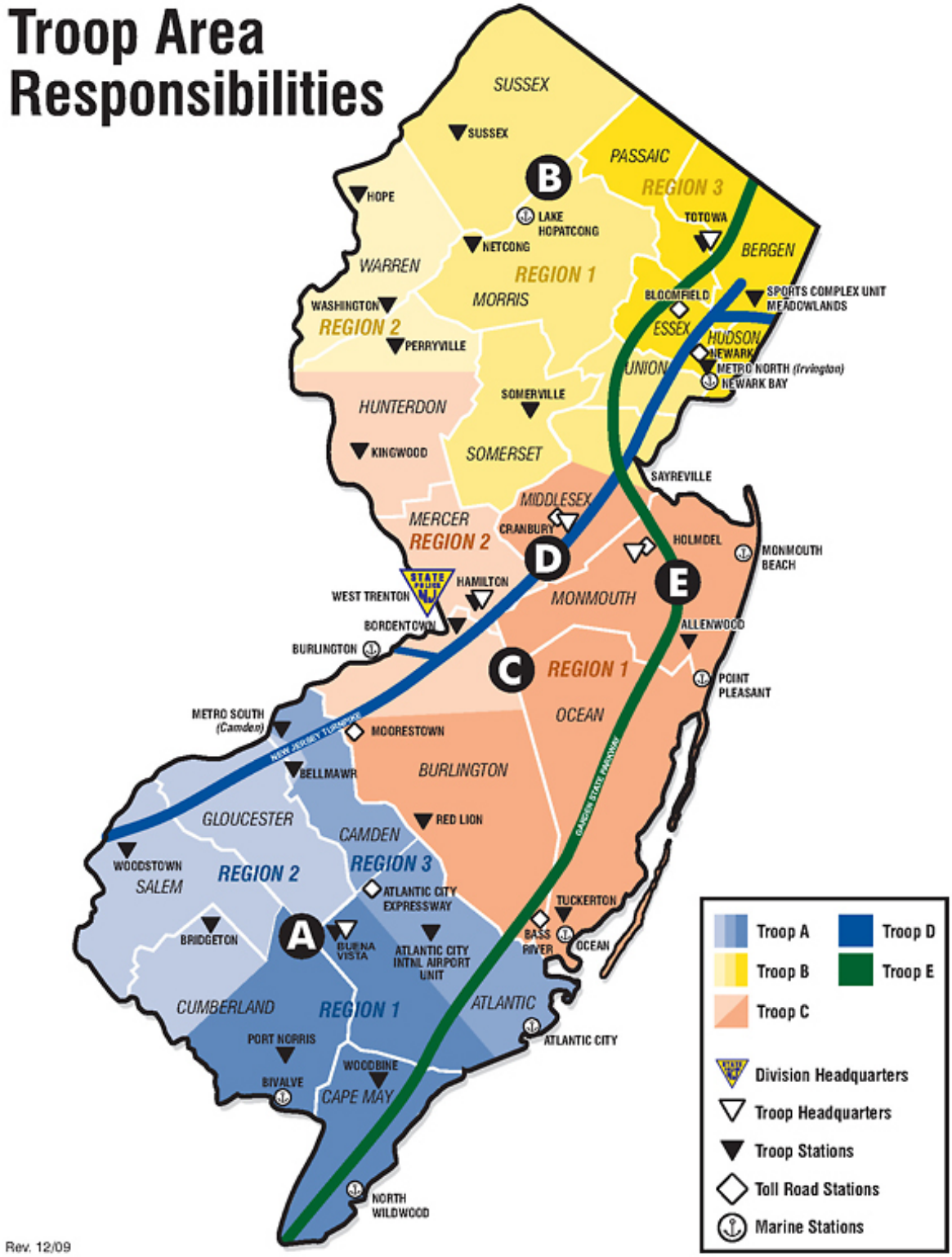
SOP: Standard Operating Procedure. Policies and procedures that govern all activity and behavior of the State Police.

The Act: Law Enforcement and Professional Standards Act (2009)

The Decree: The Consent Decree. The State Police entered into The Decree in 1999 to promote law enforcement integrity.

APPENDIX FIVE

New Jersey State Police Troop Area Responsibilities



Appendix Five