

CURRENT ROLE OF OFFICE OF STATE POLICE AFFAIRS

I. Liaison/Monitoring Process

First and foremost the Office of State Police Affairs (OSPA), pursuant to the Consent Decree of 1999 (Consent Decree), acts as a liaison to Independent Monitoring Team (IMT) and the Civil Rights Division of Department of Justice (DOJ). In performing this function, we ensure that the monitoring process is reasonable and that the evaluation criteria are clear and applied uniformly. We also ensure that New Jersey State Police (NJSP) are evaluated fairly. We assist the IMT with its semi-annual audits and evaluations. At the same time, we take any concerns expressed by IMT and/or DOJ and make sure they are both understood and addressed by NJSP. These efforts are applied to the three remaining areas of the Consent Decree that pertain to NJSP: field operations, Management Awareness Personnel Performance System (MAPPS), and the academy/training.

II. Technical Assistance/Legal Advice

This office also provides technical assistance and legal advice to NJSP, primarily in the area of Consent Decree interpretation, search and seizure/Fourth Amendment and equal protection/Fourteenth Amendment. We also aid in drafting and amending NJSP Standing Operating Procedures (SOPs).

We work closely with the academy on search and seizure issues and provide training and/or guidance in these areas. We also chair the Search and Seizure Review Committee, established to address reoccurring issues from the field and to ensure NJSP SOP consistency with evolving New Jersey and Federal caselaw. This office has a seat (Director or Deputy Director) on the Risk Analysis Core Group (RACG), that is part of the MAPPS policy approved by IMT. Our social scientist provides guidance to the RACG as well as guidance to the trend analysis functions of MAPPS.

III. Trooper Discipline

This office is responsible for administratively prosecuting troopers for violations of NJSP Rules and Regulations. These disciplinary hearings are heard in the Office of Administrative Law (OAL) and then returned to the Superintendent for final discipline. In the role of administrative prosecutors we review administrative charges proposed by the Office of Professional Standards (OPS) for legal sufficiency. We also provide input and advice to the Superintendent regarding plea offers. One DAG, whose duties do not involve these administrative prosecutions, wears a “judicial hat” in that she advises the Superintendent on his final opinion, drafts the opinion, and then defends the opinion in the event of an appeal.

This office conducts internal affairs investigations in cases where OPS is conflicted. Also, when members of the public lodge a complaint about the outcome of an OPS investigation, we will review the investigation for legal sufficiency.

IV. Independent Auditors of OPS

Since the termination of the internal affairs tasks from the Consent Decree, brought about by the granting of the joint motion in April 2004, this office functions as the sole independent auditor of OPS. To date we have conducted two audits and are in the process of completing the third audit. The tasks mandated by paragraphs 110 through 112 of the Consent Decree are part of our auditing efforts.

V. Public Information

This office is responsible for compiling, editing and filing the semi-annual Status Report and Aggregate Data Report. We also review the IMT's semi-annual reports and comment on the report to the IMT. We appear at public events sponsored by OAG, DCJ or NJSP as requested.

VI. Other Matters Directed by the Attorney General

Although not technically mandated by the Consent Decree, OSPA has been involved in other matters related to reforms and/or improvements of NJSP. For example, we have been involved in recruiting issues and matters pertaining to lowering the attrition rate of the academy. We also review the background investigations of applicants to ensure consistency of standards. In addition, we review proposed promotions to determine whether there are any outstanding matters that would preclude promotion.

VII. Other Counsel Matters

We receive on a fairly regular basis requests for legal opinions from NJSP. We have established a close and cooperative working relationship with Division of Criminal Justice (DCJ) and Division of Law (DOL) in this regard. Once we receive a request, OSPA – in conjunction with these divisions – decides which division/office should lead the opinion, with the others giving input in the event the legal opinion touches upon their respective areas.