

Eighth Periodic Review on Law Enforcement Professional Standards

INVESTIGATIVE REPORT

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Review of the New Jersey State Police Training Bureau



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I. Introduction

The Office of the State Comptroller (OSC) has completed its eighth performance review of the New Jersey State Police (NJSP), a division within the Department of Law and Public Safety, and of the Office of Law Enforcement Professional Standards (OLEPS).¹ OSC is directed by the Law Enforcement Professional Standards Act of 2009 (the Act)² to conduct performance reviews to determine if NJSP is maintaining its commitment to non-discrimination, professionalism, and accountability. For this review, OSC examined the NJSP Training Bureau, a unit that plays a critical role in NJSP's efforts to maintain non-discriminatory practices through the delivery of training to new recruits and experienced troopers.

OSC's review identified weaknesses in the Training Bureau's oversight and implementation of training programs and policies. With respect to NJSP's oversight and administration of training, the Training Bureau does not have a formal policy for observing and evaluating classroom instructors. Rather, the process for conducting observations and providing feedback varied from unit to unit within the Bureau. OSC also observed several training courses in which temporary and full-time instructors made significant deviations from the approved curriculum on topics stemming from the Consent Decree and the Attorney General's Use of Force Policy. The Training Bureau's practices for assigning temporary instructors to teach new recruits, for selecting applicants for the Trooper Coach program, and for ensuring promoted troopers attend required leadership training also raised concerns.

OSC further found that NJSP training could be improved by implementing teaching methods that aim to ensure troopers possess a deep understanding of course materials. NJSP should also consider incorporating additional performance objectives to improve its course materials, such as those developed by the New Jersey Police Training Commission (PTC), an entity responsible for the development and certification of basic training courses for county and municipal law enforcement officers. Additionally, NJSP does not have a consistent process by which lesson plans and course curricula are updated, including ensuring that OLEPS's recommendations are integrated into the course materials.

Clear and effective training that addresses implicit bias, cultural awareness, and ethical behavior is necessary to ensure that troopers engage in professional and non-discriminatory conduct as mandated by the Act. Accordingly, it is important for NJSP to have a comprehensive and effective training program that offers educational instruction designed to impart the importance of fair and equal treatment in interactions between NJSP and the public.

With the goal of ensuring NJSP's adherence to the mandates of the Act, OSC makes 11 recommendations to address the findings and issues discussed herein.

¹ N.J.S.A. 52:17B-236.

² N.J.S.A. 52:17B-222.

II. Background

A. Historical Background

In 1999, the United States Department of Justice (DOJ) sued NJSP and the State of New Jersey for “intentional discrimination . . . in performing vehicle stops and post-stop enforcement actions and procedures, including searches of African American motorists traveling on New Jersey Highways.”³ On December 30, 1999, the United States District Court for the District of New Jersey approved a Consent Decree that settled the litigation and committed the State to a series of reforms involving the management and operations of NJSP.

The Consent Decree prohibited NJSP troopers from “[relying] to any degree on the race or national or ethnic origin of motorists in selecting vehicles for traffic stops and in deciding upon the scope and substance of post-stop actions, except where state troopers are on the look-out for a specific suspect who has been identified in part by his or her race or national or ethnic origin.”⁴ The Consent Decree also mandated reforms in the following areas that were aimed at eliminating the racially-motivated vehicle stops carried out by NJSP: policy requirements and limitations on the use of race in law enforcement activities; traffic stop documentation; supervisory review of individual stops; supervisory review of patterns of conduct; investigations of misconduct allegations; training; auditing; and public reports.

Pursuant to the Consent Decree, from 2000 to 2009, independent federal monitors issued biannual reports documenting NJSP’s progress in these areas, ultimately concluding that NJSP was fully compliant with the mandates of the agreement.⁵ The Court dissolved the Consent Decree in 2009 following submission of a joint motion by the State and DOJ.

To ensure NJSP continued to comply with reforms initiated under the Consent Decree, the Legislature passed the Law Enforcement Professional Standards Act of 2009.⁶ In view of the “strong public interest in perpetuating the quality and standards established under the consent decree,” the Act created OLEPS to “assume the functions that had been performed by the independent monitoring team.”⁷ OLEPS, which operates under the direct supervision of the

³ Complaint, United States v. State of New Jersey, No. 99-cv-5970 (D.N.J. Dec. 22, 1999).

⁴ Joint Application for Entry of Consent Decree, United States v. State of New Jersey, No. 99-cv-5970 (D.N.J. Dec. 30, 1999) (hereinafter “Consent Decree”).

⁵ Consent Decree at ¶ 9; see *also, e.g.*, PUBLIC MANAGEMENT RESOURCES AND LITE, DEPALMA, GREENBERG AND RIVAS, MONITORS’ SIXTEENTH REPORT, LONG TERM COMPLIANCE AUDIT (Aug. 2007), <https://www.nj.gov/oag/monitors-report-16.pdf>.

⁶ N.J.S.A. 52:17B-222, *et seq.*

⁷ N.J.S.A. 52:17B-223.

Attorney General, performs such “administrative, investigative, policy and training oversight, and monitoring functions, as the Attorney General shall direct.”⁸ OLEPS is required to issue biannual reports that evaluate NJSP’s “compliance with relevant performance standards and procedures,” referred to as “Oversight Reports,” as well as semi-annual reports that include aggregate statistics on motor vehicle stops and misconduct investigations, referred to as “Aggregate Reports.”⁹

OSC, for its part, is required to conduct audits and reviews of NJSP and OLEPS to examine “stops, post-stop enforcement activities, internal affairs and discipline, decisions not to refer a trooper to internal affairs notwithstanding the existence of a complaint, and training.”¹⁰

B. NJSP Training Bureau

The Training Bureau is responsible for delivering training to new recruits and in-service enlisted personnel, including promotional, instructor, and trooper coach training. It is also responsible for creating and updating course materials, which must include training on topics such as cultural awareness, ethics, leadership, arrest, and search and seizure. OLEPS is responsible for reviewing, monitoring, and reporting on NJSP’s efforts in these areas.

At the time of this report, there were approximately 3,019 enlisted and 1,356 civilian members in NJSP. The newest recruit class, the 163rd, consisted of over 200 recruits. The Training Bureau was staffed with 51 permanent enlisted members, 13 temporarily detached enlisted members, and 9 civilian members as of March 2022.

In accordance with the Consent Decree, training for new recruits and enlisted troopers includes courses in cultural diversity, communication skills, Fourth Amendment requirements, and integrity and ethics. These courses must be taught as part of the new recruit curricula and reinforced through annual in-service training for enlisted members.¹¹

The Training Bureau is also responsible for the administration of the new Integrating Communications, Assessment, and Tactics (ICAT) training and the Active Bystandership for Law Enforcement (ABLE) training mandated by the Office of the Attorney General’s updated Use of Force Policy.¹² ICAT training is intended to ensure that police officers possess the appropriate crisis intervention and de-escalation skills to safely defuse incidents. ABLE training is designed to provide law enforcement officers with tools to effectively intervene when they observe inappropriate behavior or interactions by fellow officers.

⁸ N.J.S.A. 52:17B-225.

⁹ N.J.S.A. 52:17B-229, 235.

¹⁰ N.J.S.A. 52:17B-336(a).

¹¹ Consent Decree at ¶ 100-101.

¹² NEW JERSEY OFFICE OF THE ATTORNEY GENERAL, USE OF FORCE POLICY (Dec., 2021), <https://www.nj.gov/oag/force/docs/UOF-2021-1228-Use-of-Force-Policy.pdf>.

The establishment, function, and operations of the Training Bureau are governed by Standing Operating Procedure (SOP) B5, "Training Bureau," and SOP C25, "Training Evaluation and Oversight Program." In accordance with SOP B5, the Training Bureau is responsible for "the delivery of pre-service training to recruit classes, and in-service, advanced training to civilian and enlisted personnel." This is carried out through the establishment of the Training Bureau and its specific units, each with duties and responsibilities that further the Training Bureau's goals. SOP C25 addresses the instructional approach, oversight, and evaluation of the training program.

1. Instructor Selection

The Training Bureau is also responsible for the establishment of instructor criteria for both permanent and detached instructors. Detached instructors are temporarily assigned to the Training Bureau from other NJSP divisions. The Consent Decree established specific criteria that must be used in the selection of Training Bureau instructors by requiring the NJSP to

establish formal eligibility and selection criteria for all Academy, post-Academy, and trooper coach training positions. These criteria shall apply to all incumbent troopers in these training positions and to all candidates for these training positions, and also shall be used to monitor the performance of persons serving in these positions. The criteria shall address, *inter alia*, knowledge of State Police policies and procedures, interpersonal and communication skills, cultural and community sensitivity, teaching aptitude, performance as a law enforcement trooper, experience as a trainer, post-Academy training received, specialized knowledge, and commitment to police integrity.¹³

NJSP established selection criteria for instructors and memorialized the same in SOP C25 and SOP C45, "Specialist Selection Process." The "Specialist Selection" SOP also outlines candidate selection requirements and is used to solicit applicants. Although the Specialist Selection process states that oral interviews *may* be conducted, OSC was advised that the selection process used by the Academy requires all candidates seeking to become permanent instructors to take part in an oral interview conducted by the Training Bureau's Interview Board. At the time of this report, the Training Bureau had 38 permanent instructors, 13 detached instructors, and 12 vacancies.

2. Training Bureau Units

The Training Bureau is divided into seven units, with each unit responsible for a discrete aspect of training. The Law Enforcement Science Unit is charged with pre-service training of recruits. The In-Service Training Unit is responsible for all post-Academy training programs. The Self-Defense Unit delivers self-defense training to both in-service and pre-service members. The Training Bureau also includes the Managerial Development Unit (MDU), which coordinates and implements advanced training; the Training Support Unit (TSU), which provides support functions

¹³ Consent Decree at ¶ 98.

necessary for training assessment; and the Armorer Unit and Firearms Unit, which are responsible for weapons support and training. Each unit is responsible for the creation and revision of the lesson plans and other materials utilized in the courses taught within the respective unit. Each unit must also provide Consent Decree related course materials to OLEPS for approval.

3. The Trooper Coach Program

The Trooper Coach Program is designed to reinforce Academy training, providing probationary troopers—recruits who successfully completed Academy training—with support and mentoring by assigning them to work alongside more experienced troopers. Once assigned to their first general duty work station, probationary troopers work under the guidance of a qualified Trooper Coach through four separate 120-hour phases of continued training. Throughout the four 120-hour phases, the Trooper Coach will permit the probationary trooper to exercise increasing responsibility and discretion. By the fourth phase, probationary troopers generally act independently, with their assigned Trooper Coach intervening only as needed.

The Trooper Coach Selection process is governed by SOP F12, “Trooper Coach Training and Evaluation Program.” This SOP requires NJSP to engage in a selection process that includes the solicitation of applications, candidate interviews, a meaningful review of candidate history, and final selection of candidates.

Applications are reviewed and applicants are selected for interviews based on established eligibility criteria and a review of applicant history in the Management Awareness and Personnel Performance System (MAPPS).¹⁴ There are several eligibility requirements for applicants, including a three-year service history. Applicants are interviewed by a four-member interview panel and are scored on a point scale based on their resumes, MAPPS reviews, and oral interviews. Those scoring above a certain threshold advance to the meaningful review phase.

Meaningful review is a process that evaluates three aspects of a candidate’s service history. First, each candidate’s physical fitness is measured by checking if they were compliant during their last required physical fitness test. Next, each candidate with a disciplinary history is evaluated by a committee (Review Board) convened by NJSP’s Office of Professional Standards (OPS). The Review Board either recommends or does not recommend service as a Trooper Coach and is required to document this decision-making process for each candidate.¹⁵ Lastly, NJSP’s Equal Employment Opportunity Bureau (EEOB) must produce summaries of any Equal Employment Opportunity violations in each candidate’s history.

The recommendations of the OPS Review Board and the findings of EEOB are forwarded to the Deputy Superintendent of Operations (DSO), who makes the final determination whether to approve or deny each candidate. The DSO is not required by policy to document the decision-

¹⁴ MAPPS is an NJSP database containing a comprehensive employment history of every trooper. It contains information pertaining to a trooper’s performance, promotions, training, and some specific disciplinary information.

¹⁵ The Review Board is comprised of representatives from OPS, the Division of Human Resources, and Field Operations.

making process used in approving or denying each candidate. The DSO sends a final list of approved and denied candidates to program coordinators and station commanders, who use that list to pair Trooper Coaches with probationary troopers. Trooper Coaches accepted to the program must complete a two-day training.

C. Office of Law Enforcement Professional Standards and Its Oversight of NJSP Training

OLEPS's oversight of NJSP includes, but is not limited to, the production of the semi-annual Aggregate Misconduct Reports, biannual Oversight Reports, and biannual audits of OPS. Training reviews are contained in OLEPS's biannual Oversight Reports.

OLEPS evaluates NJSP's Training Bureau operations as a whole, including the presentation and content of Consent Decree topics taught to new recruits and enlisted personnel. Topics of primary focus include those pertaining to cultural awareness, ethics, leadership, arrest, search and seizure, use of force, racial profiling, motor vehicle stops, and post-stop enforcement actions.

OLEPS is charged with ensuring that NJSP's training program is in compliance with applicable law, policies, and procedures. To that end, OLEPS conducts content reviews of lesson plans and associated materials as well as audits of course presentations. OLEPS is charged with approving all NJSP training related to Consent Decree topics, including any changes or updates to previously approved materials.

OLEPS reviews the course material and makes recommendations as warranted. NJSP can incorporate those recommendations into the materials or discuss with OLEPS why those recommendations should not be incorporated. The two entities seek to come to a consensus on the final product. In addition to course materials, OLEPS is responsible for approving any SOP or Operation Instruction related to policy changes that concern Consent Decree related topics. OLEPS also reviews the compliance and operation of the Trooper Coach Program and reviews attendance and minutes of NJSP's Training Committee meetings.

OLEPS's most recent Oversight Report that addresses NJSP's Training Program—its Fifteenth Oversight Report—was released in May 2020. That report included a review of data from July 1, 2016 through December 31, 2016.¹⁶

III. Methodology

For this report, OSC evaluated NJSP's training program and operations. This included a review of course lesson plans, training aids, handouts, videos used by instructors, and course examination materials. OSC additionally reviewed materials and documentation related to the appointment of

¹⁶ NEW JERSEY OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS, FIFTEENTH OVERSIGHT REPORT (May 2020), ("Fifteenth OLEPS Oversight Report") <https://www.nj.gov/oag/oleps/pdfs/OLEPS-2020-Fifteenth-Oversight-Report.pdf>.

Trooper Coaches. OSC also examined OLEPS's oversight role in ensuring that the Training Bureau is meeting its performance standards.

As part of its review, OSC engaged a non-profit organization that focuses on developing and reviewing training and professional standards for law enforcement agencies as an expert to assess course content for appropriate adult learning strategies and to evaluate if NJSP courses align with best practices for course curricula and learning objectives.

OSC observed instructor course presentations and conducted interviews with various personnel within the Training Bureau, including the Training Bureau Chief, Unit Heads from each of the seven Training Bureau Units, Assistant Unit Heads, Trooper Coaches, and Instructors. OSC also spoke with OLEPS personnel to discuss its oversight responsibilities regarding the Training Bureau's operations and Consent Decree compliance. OSC discussed with OLEPS and the Training Bureau the status of selected recommendations made in OSC's Fourth Periodic Report and OLEPS's Fifteenth Oversight Report.¹⁷

OSC sent a draft of this report to NJSP and OLEPS to provide them with an opportunity to comment on the issues identified during this review. The written responses were considered and incorporated where appropriate.

IV. Findings

OSC's review found deficiencies in aspects of the Training Bureau's administration and oversight of training programs. These deficiencies may have resulted in, among other things, inconsistent and underdeveloped instruction. In several training courses that OSC observed, detached and full-time instructors deviated from the approved curriculum on topics stemming from the Consent Decree and the Attorney General's Use of Force Policy. Moreover, some of the detached instructors appeared to show a lack of interest in teaching and were selected for these roles in a manner that was inconsistent with the Consent Decree's requirements. OSC also identified issues with the manner in which Trooper Coaches were selected for their positions, as well as issues in adhering to mandatory training requirements for promoted troopers. Finally, OSC found that NJSP does not consistently observe instructors or provide meaningful feedback through post-event surveys.

In addition, OSC determined that NJSP's new recruit and in-service curricula do not adhere to educational best practices in curriculum development. OSC identified issues with the way in which NJSP tracks and approves lesson plans and course material updates. Lastly, OSC found that NJSP has only partially implemented recommendations set forth in OSC's Fourth Periodic Report.

¹⁷ See *generally* NEW JERSEY OFFICE OF THE STATE COMPTROLLER, FOURTH PERIODIC REPORT ON LAW ENFORCEMENT PROFESSIONAL STANDARDS (Dec. 20, 2016), ("Fourth OSC Report") https://www.nj.gov/comptroller/news/docs/_njsp_report_2016.pdf; NEW JERSEY OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS, Fifteenth OLEPS Oversight Report.

A. OSC's Findings Related to the Administration and Oversight of Training

OSC's review of the Training Bureau's administration and oversight of its training program revealed six areas of concern. Each area of concern is addressed separately below.

1. NJSP Trainings on Topics Related to the Consent Decree and Use of Force Policy Deviated From the Established Curriculum; Detached Instructors Demonstrated a Lack of Interest in Training.

OSC observed NJSP's classroom instruction and interviewed several instructors. This review revealed concerning irregularities in classroom instruction.

OSC observed NJSP classroom instruction of the ICAT and ABLE training mandated by the Attorney General and identified multiple concerning deviations from the training material. Instructors omitted segments from the established course content such as breakout sessions and scenario-based exercises. Two of the three instructors observed by OSC dedicated approximately two hours to the ABLE training instead of the seven and a half hours required by the program's curriculum.¹⁸ When OSC questioned OLEPS about reducing the time allotted for these mandated trainings, OLEPS representatives acknowledged they were aware of the time deficiencies and stated they believed the reduction in training time was due to smaller class sizes. OSC also observed courses that were taught by temporarily assigned, or detached, instructors on Consent Decree topics, and found troubling behaviors and omissions. One detached instructor described content from the recruit course, "Culture and Diversity," in seemingly pejorative terms and instructed recruits by reading from a PowerPoint without elaboration.¹⁹ Another detached instructor presenting the course "Prejudice and Discrimination" reduced the course time by 25 minutes and omitted a video segment on hate crimes from the instruction. This instructor asked the recruits to participate by reading the PowerPoint slides and did not encourage additional discussion on course-related topics following breakout sessions.

Given the importance of the ICAT and ABLE trainings, and their mandated inclusion by the Office of the Attorney General, as well as the importance of training on Consent Decree topics, OSC recommends that the courses be delivered in accordance with the requirements of the training materials. Discretionary deviations from the schedules or exercises should not be permitted.

¹⁸ OSC observed one of those instructors indicate at the start of the ABLE course that the content contained a lot of interactive segments and "table talk." The instructor went on say he thought that was a "whole lot of fluff" and that he would be consolidating it. Another instructor stated that the participants were receiving a shortened version of the ABLE course because as an instructor he had already done the role playing and scenarios many times. He stated, "we train to the standard, not the time." This particular instructor also repeatedly referred to a cornerstone theme from the ABLE training, referred to as "step up and step in" without ever defining it.

¹⁹ This instructor was elevated to the position of permanent instructor during the course of OSC's review.

In its written response to a draft of this report, NJSP acknowledged that the training deficiencies identified by OSC “are of great concern” and stated that it would address them, particularly those deficiencies related to the training mandated by the Office of the Attorney General, such as ICAT and ABLE. Similarly, OLEPS, in its response, stated it would coordinate with NJSP to identify troopers who attended shortened ICAT and ABLE courses and require those troopers to retake the courses under Training Bureau observation. OLEPS also agreed to review training materials and perform in-person audits for the “Culture and Diversity” and “Prejudice and Discrimination” courses and coordinate with NJSP to determine if instructors should be retrained or removed.

2. NJSP Does Not Consistently Observe Classroom Instruction or Provide Instructor Feedback.

NJSP’s policy entitled “Training Evaluation and Oversight Program” requires the Training Bureau to conduct in-person observations of instructors, referred to as in-field evaluations, “on a pre-determined schedule or upon request” as a means “to assess training compliance and to enhance standards.”

The policy does not provide guidance on performance standards or the planning of evaluations to those responsible for instructor oversight. The policy states that Academy instructors are required to submit to “[a]nnual and in-field evaluations reflective of instruction.” The policy states only that Post-Academy instructors should undergo “in-field evaluations reflective of instructions.” These requirements are ambiguous and fail to offer guidance on the administration of evaluations. SOP C25 also contains an In-Field Evaluation Form for use in conducting these observations. Highlighting the lack of uniformity in the observation process, OSC requested the form and was provided a different version not referenced in the SOP.

OSC also received conflicting information when attempting to determine NJSP’s actual practices for classroom oversight. One Training Bureau instructor indicated that classroom observations were conducted regularly and documented on an Instructor Observation Form. Other instructors told OSC there is no formal process for observing instructors. One instructor stated that his unit does not conduct classroom observations at all. Interviews also indicated that when classroom observations are done, the process for offering feedback to instructors is inconsistent. Some instructors advised that feedback is provided verbally, while one instructor reported that he received no feedback during the process.

When OSC questioned OLEPS about NJSP’s process for observing instructors and offering feedback, OLEPS indicated it had no involvement in the oversight of classroom observations.

Engaging in regular course observations and providing specific guidance to those responsible for instructor oversight would likely assist instructors and would promote consistency in instruction across classes. Accordingly, OSC recommends that the Training Bureau establish a specific policy for conducting regular observations of all instructors using a standard observation form and guidelines for documenting instructor feedback. OLEPS should also conduct oversight of the instructor observation process to ensure observations are conducted in accordance with any developed policies.

In its response, NJSP committed to reviewing the procedure for instructor evaluations and asking each unit at the Academy to standardize their instructor evaluation process. OLEPS stated it will work with NJSP to revise SOP C25 “to provide clearer instruction on how to perform the evaluation

and provide feedback to the instructor in a more standardized way.” OLEPS also indicated it will take a more active role in the oversight of classroom observations.

3. NJSP Does Not Follow Required Eligibility and Selection Criteria for Temporarily Detached Instructors.

The Consent Decree required NJSP to “establish formal eligibility and selection criteria for all Academy [and] post-Academy . . . training positions” and mandated that the “criteria shall apply to all incumbent troopers in these training positions and to all candidates for these training positions.”²⁰

To comply with this requirement, NJSP employs a “Specialist Selection Process” to solicit, evaluate, and select candidates seeking to become permanent Academy instructors. The Specialist Selection Process for Academy instructors requires the candidate to submit an application packet containing the candidate’s resume, an example of an investigative report previously produced by the candidate, and an essay on NJSP’s training design process. The Training Bureau also interviews all candidates.

NJSP is not subjecting temporarily detached instructors—instructors temporarily assigned to the Training Bureau from other NJSP divisions—to the Specialist Selection Process. Detached instructors are not required to submit resumes, writing samples, candidate essays, or undergo interviews. Failing to submit temporarily detached instructors to the Specialist Selection Process results in the selection of instructors that have not been subjected to the level of scrutiny contemplated by the Consent Decree.

In place of the Specialist Selection Process, troopers seeking to become detached instructors generally submit their request to the Academy through a Special Report Form. This form contains only a one-line request for detachment from the trooper’s current post. Once called upon to fill an open instructor position, a candidate for a detached instructor position is not required to submit an application packet or sit for an interview.²¹ As of March 2022, approximately 20 percent of the Training Bureau staff were assigned as detachments.

OSC also questioned OLEPS about the use of temporarily detached instructors; OLEPS told OSC it would prefer temporarily detached instructors be subjected to an interview process but does not oversee the selection of detached instructors.

OSC reviewed the disciplinary and EEO histories of the 59 detached instructors who have served at the Academy from 2017 through July 2022. This review revealed that twelve troopers had pending or substantiated disciplinary investigations and four troopers had pending or substantiated EEO investigations at the time of their appointment to the Training Bureau. OSC identified detached instructors whose disciplinary or EEO histories contained the following misconduct:

²⁰ Consent Decree at ¶ 98.

²¹ Notably, OSC found one detached instructor who never requested transfer to the Academy, but who was nonetheless assigned to it.

- a. A 15-day suspension for inappropriate actions on duty and failure to document in the station record;
- b. A 20-day suspension for improper use of an NJSP computer and unauthorized use of information;
- c. A pending investigation for violation of criminal law, use of position to intimidate or gain favor, sexual harassment and questionable conduct on duty; and
- d. A pending investigation for racial profiling and harassment.

The Training Bureau does review the histories of detached instructors prior to their selection, but that alone is an inadequate replacement for the more in-depth process otherwise used for instructors. OSC finds that NJSP's decision to use an abbreviated process and forgo the Specialist Selection Process for detached instructors limits its ability to comprehensively assess each candidate's fitness to teach and train new recruits.

The current practice for appointing detached instructors is also inconsistent with the Consent Decree's requirement that NJSP establish and apply formal eligibility criteria to all Academy training positions.²² Accordingly, OSC recommends that NJSP subject all instructors to its established eligibility and selection criteria. OSC further recommends that OLEPS ensure that all instructors are subject to the scrutiny of the selection process established in NJSP's procedures.

In their respective responses to OSC's draft, neither NJSP nor OLEPS expressly agreed to implement these recommendations. NJSP emphasized that detached instructors provide practical instruction to recruits, but indicated that it will only "discuss the feasibility of interviewing detached instructors." OLEPS stated it will undertake a meaningful review of the selection process for detached instructors, with particular attention paid to a trooper's suitability for an instructor position.

OSC urges NJSP and OLEPS to fully implement these recommendations. The Consent Decree required NJSP to subject all instructor candidates, and not simply those seeking permanent roles, to the selection criteria it established. NJSP and OLEPS should comply fully with the reforms required by the Consent Decree.

²² Consent Decree at ¶ 98.

4. NJSP Does Not Ensure that Promoted Troopers Complete Leadership Training within Six Months of the Effective Date of the Promotion as Mandated by the Consent Decree.

NJSP is not ensuring that troopers advancing in rank complete rank-specific training. The Consent Decree required troopers advancing in rank to complete rank-specific training “to the extent practicable, before the start of the promoted trooper’s service in his or her new rank, and in no event later than within six months.”²³ NJSP procedures require the Training Bureau to develop and deliver rank-specific training to NJSP members that advance in rank and establish a training cycle sufficient to ensure that all NJSP members receive rank-specific training within six months of promotion.²⁴ Those procedures, however, do not require the Training Bureau to ensure members attend those courses within the designated timeframe or impose any consequence on a trooper for noncompliance.

OSC reviewed training orders issued by the Training Bureau that direct specific troopers, by name and badge number, to attend rank-specific training. If a trooper alerts MDU that the trooper cannot attend the course at the time it is offered, MDU will invite the trooper to attend the next time the course is offered. Troopers that fail to attend a course without providing an explanation are included on a non-attendance list provided to the trooper’s command. Although training orders state that attendance is mandatory, the MDU Unit Head reported that he believed participation in these courses, though highly encouraged, was not necessarily required.

OSC requested information concerning the present state of compliance for rank-specific training. As of April 4, 2022, the 1,018 troopers with a rank of sergeant or above had completed necessary training, while 180 had not. Of the 180 individuals who had not yet completed the training, 111 were within six months of receiving their promotion, 42 were within six to twelve months of their promotion, and the remainder—approximately 10 percent of the total—had gone more than a year since their promotion without completing rank-specific training.

NJSP’s current policy on rank-specific training requires that a training cycle be established, but does not require that individual troopers attend training upon promotion. This leaves a policy gap that does not address compliance with the six-month requirement or outline steps for enforcement. This permits some troopers to avoid rank-specific training for significant periods of time. These delays could impact the quality of supervision.

OSC recommends that NJSP adopt and enforce a policy requiring troopers advancing in rank to attend rank-specific training within six months of their promotion as required by the Consent Decree.

NJSP stated it in its response that it offers leadership training courses several times per year, but that scheduling conflicts may result in troopers taking their rank-specific training outside of the

²³ Consent Decree at ¶ 106.

²⁴ The Training Bureau established training for troopers advancing in rank that includes topics such as conducting performance appraisals, engaging in effective communication, and performing supervisory responsibilities.

six-month requirement. NJSP stated it will make efforts to “complete the training within the allotted time when possible.”

OLEPS noted in its response that the pandemic created unusual circumstances for NJSP that resulted in training pauses. OLEPS also stated it is working with MDU to ensure that troopers advancing in rank attend their respective training within six months of advancement, and will also discuss with NJSP modifications to existing policy that will monitor attendance of required trainings.

OSC emphasizes that flexibility with respect to the six-month requirement was not contemplated under the terms of the Consent Decree. OSC urges NJSP to recommit to ensuring all troopers advancing in rank attend the training within the six-month window.

5. Post-Event Surveys Do Not Contain Questions That Solicit Specific Feedback on Consent Decree Related Courses.

OSC found that NJSP’s post-event surveys for Academy recruits only solicit evaluations on broad topics and do not ask for evaluation of specific courses.

NJSP’s standard operating procedures require recruits to evaluate each class using a standardized evaluation and class feedback survey. OSC found that the survey presently completed by recruits solicits feedback about the Academy experience as a whole, and focuses on broad categories of instruction rather than discrete courses. For example, the recruit post-event survey asks recruits to rate the instruction they received on topics such as criminal science, traffic science, or self-defense with a single numeric score.

By contrast, post-event surveys administered to enlisted troopers attending Annual In-Service training seek targeted feedback about specific courses. For example, the 2019 Annual In-Service survey asks questions such as, “Do you believe the information delivered in the Search and Seizure block of instruction will help you understand *Miranda* issues more clearly?”

OSC recommends the Training Bureau adopt a practice of course evaluation for new recruits that requests feedback on specific courses consistent with the surveys provided to enlisted members. This practice would provide instructors with course-specific feedback that could be used to evaluate the effectiveness of specific course instruction and address any deficiencies. At a minimum, OSC recommends that Consent Decree related courses be individually assessed on post-event surveys. In the alternative, since the post-event survey for new recruits occurs at the end of 15 weeks of instruction, NJSP should consider a separate evaluation of Consent Decree courses at the end of each such course.

In their responses to a draft of this report, both NJSP and OLEPS indicated they would discuss the feasibility of adding post-event surveys to recruit courses, but did not commit to doing so.

6. The Trooper Coach Candidate Selection Process Lacks Documentation of Key Decisions.

OSC’s review of NJSP’s Trooper Coach program revealed violations of the program’s meaningful review documentation requirements. Additionally, OSC found that consistency could be promoted by amending the policy to require additional documentation.

The OPS Review Board is Not Documenting Key Decisions Related to the Trooper Coach Program as Required by Policy.

OSC analyzed candidates who applied for and served in the Trooper Coach program over five years. This review identified a number of candidates with serious disciplinary histories who nevertheless were recommended to serve as Trooper Coaches by the OPS Review Board. Many of these individuals did serve as Trooper Coaches, training and mentoring probationary troopers who had recently graduated from the Academy. The following concerning disciplinary histories were identified for candidates that were recommended and went on to serve as Trooper Coaches:

- a. A 180-day suspension from duty following a DWI incident.
- b. A 180-day suspension for failure to take appropriate police action and questionable conduct off duty as well as a 30-day suspension for disobeying a direct order and falsification of reports and records.
- c. A 45-day suspension for theft and an off-duty alcohol related incident.
- d. A 120-day suspension for assault.
- e. A 180-day suspension for inappropriate actions towards another trooper, questionable conduct on duty, and leaving an assigned post without permission.
- f. A 508-day suspension for domestic violence and disobeying a direct order.

In total, 131 candidates with varying disciplinary histories were recommended to serve by the Review Board and ultimately served as Trooper Coaches.

When OSC asked representatives of the OPS Review Board about the process for evaluating candidates with disciplinary histories, the representatives stated that the Review Board does not record the decision-making process, only the resulting decision to recommend or not recommend a candidate. The representatives stated they were unable to provide details about the recommendations made on any candidates as that information would be known solely by the individuals who sat on previous Review Boards, and was not recorded. Accordingly, OSC was unable to assess the appropriateness of any of the above recommendations.

The SOP that governs the Trooper Coach program, SOP F12, requires the Review Board to conduct a meaningful review of candidates with disciplinary histories and make a recommendation based on the nature, number, and recency of allegations as well as their dispositions. The Review Board must then provide a written summary of the decision-making process for each candidate.

The OPS Review Board is not performing this important duty mandated by SOP. The failure to memorialize this process undermines oversight and increases the risk of unqualified candidates

being approved. OSC recommends the Review Board immediately begin complying with the memorialization requirement of SOP F12.

In its response to a draft of this report, NJSP agreed with OSC's recommendation. NJSP indicated the Review Board will summarize the decision-making process for each candidate from this point forward. OLEPS stated it will conduct a review of the conduct leading to the identified disciplinary histories and work with NJSP to remove unsuitable Trooper Coaches. OLEPS also indicated it will review the selection process for Trooper Coaches to ensure it is conducted in accordance with established policy.

The EEOB Meaningful Review Process Lacks Documentation of Key Decisions.

OSC also evaluated the meaningful review process required of EEOB and found that it lacks a requirement for the documentation of key decision-making processes. EEOB is required to produce summaries of the allegations and dispositions for any candidates that have a history of Equal Employment Opportunity violations. These summaries are then presented to the DSO. The DSO considers the EEOB summaries together with the OPS Review Board recommendations and either approves or denies each candidate for service as a Trooper Coach.

OSC reviewed ten candidates who were flagged by EEOB on the basis of an Equal Employment Opportunity history and observed that four were eliminated from consideration by the DSO. A representative of EEOB who participated in the process told OSC that the decision-making process used by the DSO in consultation with EEOB is not memorialized, only the names of those candidates who are approved and denied.

OSC recommends that NJSP amend SOP F12 to require that the DSO's decision-making process be memorialized. This would promote consistency in the selection process and help ensure the effectiveness of the Trooper Coach program.

B. Findings Related to NJSP's Training Program and Course Content

OSC examined 28 courses, including new recruit, in-service, and instructor training courses to determine the quality of course content in the Training Bureau's training program. OSC's examination revealed the following issues.

1. NJSP Lesson Plans Do Not Adhere to Best Practices for Adult Learning.

OSC sought to determine if NJSP's curriculum was consistent with best practices in modern education. To do so, the curriculum was evaluated against Bloom's Taxonomy, an industry standard for organizing learning objectives. The six increasingly complex levels for adult learning are remember, understand, apply, analyze, evaluate, and create.

These standards require learners to go beyond recalling and explaining ideas and concepts. They must put them into practice, identify connections between concepts, justify the actions they have taken, and craft solutions to complex problems. These learning objectives are particularly important for police officers, who must continually assess their circumstances and act

appropriately. To achieve these objectives, a curriculum must utilize more hands-on, scenario-based exercises, as they can better measure knowledge than written tests and quizzes alone.

NJSP lesson plan objectives generally do not incorporate higher level learning standards. Specifically, current lesson plans do not go beyond the lower-level learning objectives of remembering and understanding. Troopers are not taught to engage in deeper levels of understanding or required to demonstrate that understanding in the classroom setting.²⁵ For example, NJSP lesson plans include objectives such as: “student will become familiar with the legal requirements of *Delaware v. Prouse*”; “student will learn the permissible criteria for the authority to stop a motor vehicle”; “identify what racially influenced policing is and several immutable characteristics”; and “identify value-based decision-making.” Application of this content, however, is absent from the lesson plans.

OSC also found that NJSP lesson plans do not provide instructors with essential details and direction. For example, NJSP lesson plans do not state when to perform specific activities, such as when to utilize a visual aid or conduct a practical exercise. Likewise, the lessons do not use consistent academic checklists. Use of academic checklists in lesson plans serves to provide detailed material and direction to instructors, such as the minimum number of hours required to deliver a particular topic, the instructional methods needed to deliver the lesson, and the required training aids, handouts, and equipment for the course. Utilizing a checklist helps ensure that training is delivered uniformly from instructor to instructor by ensuring required elements, such as training aids, testing methodologies, and instructional delivery methods are included in each lesson.

OSC found that lesson plans often have unreasonable expectations as to how much time it will take students to learn and achieve proficiency on relevant topics. For example, OSC reviewed the lesson plan and associated materials for the new recruit course, “Handling People with Special Needs,” and noted that the course was designed to run for 90 minutes. The topic, however, is highly complex, and it may be difficult for a recruit to be able to identify the specific behaviors associated with a vast array of conditions and learn best practices for interaction in such a short period of time. Allowing enough time to cover complex topics would serve as a better foundation for student knowledge, retention, and application.

OSC’s review of NJSP lesson plans found that lectures are the primary method of instruction. While there were some video and breakout sessions training tools utilized, the use of those teaching tools was not significant in comparison to the reliance on lectures. Utilizing various means of instruction—including, but not limited to role-playing, facilitated discussions, and scenario-based learning—stimulates and reinforces the student’s conceptual understanding of course material. NJSP lesson plans should provide additional means of instruction beyond lectures, allowing students to fully engage, applying logic and knowledge to solve problems.

²⁵ New recruits participate in practical exercises through the Academy that asks them to apply knowledge in actual scenarios. These practical exercises, however, are not conducted for all course content.

OSC also found that training materials either did not include proficiency testing or included testing that failed to successfully test knowledge of the relevant topics. Particularly concerning were tests that included overly simplistic true and false questions, which are an inaccurate measure of proficiency. NJSP should consider updating its forms of testing with more complex evaluation methods. NJSP should also consider pre- and post-testing in order to further assess knowledge gained from course instruction.²⁶

Many of these concerns could be mitigated by hiring or contracting with a civilian curriculum developer. Employing full-time curriculum developers would allow NJSP to focus on teaching while using lesson plans created by an expert in adult teaching methods. Civilian curriculum developers would also assist NJSP with other critical aspects of training such as: conducting on-going and scheduled literature reviews; networking and collaborating with internal and external subject matter experts; and conducting necessary ongoing data collection and analysis.

OSC recommends that NJSP enhance and modernize its curriculum by aiming to provide increased depth of knowledge through varying forms of instruction and improved testing methods to better align with adult learning standards. NJSP should also consider hiring civilian personnel with subject-matter expertise in lesson plan and curriculum development.

In its response to a draft, NJSP stated it would take this recommendation under advisement. OLEPS acknowledged this recommendation and stated it will discuss modifications to adult-based learning methods with NJSP.

2. NJSP Course Curricula Could Be Strengthened Through the Addition of Certain PTC Performance Objectives.

Under the authority of the Police Training Act,²⁷ the PTC is responsible for development and certification of basic training courses for, among others, county and local law enforcement within the State of New Jersey. PTC provides operational guidelines and performance objectives for 35 courses used by law enforcement in developing police training courses. Although NJSP is not within the authority of PTC, the Superintendent of the State Police (or designee) is an established

²⁶ Training Bureau instructors are required to attend a two-week Instructor Development Training program. Instructors charged with training new recruits are required to attend an additional two-day instructor training course. OSC's examination found that many of the issues identified in this section were also present in the lesson plans for the instructor training courses.

²⁷ N.J.S.A. 52:17B-71(a) requires PTC guidelines in training programs for regional, municipal and county law enforcement officers, including correctional officers. The statute does not govern State Police. NJSP does receive certification from the Commission on Accreditation from Law Enforcement Agencies (CALEA). The standards are broad, such as ensure lesson plans completely and accurately address the subject matter, and do not include performance objectives.

member of PTC.²⁸ Additionally, the Training Bureau has used PTC standards in delivering new recruit courses to local law enforcement.

OSC compared the learning objectives in eight of NJSP's new recruit courses to the performance objectives in comparable PTC courses. In its analysis, OSC found content and instruction required by PTC that are not covered by NJSP's new recruit curriculum. Some PTC performance objectives provided greater depth and more specificity in content, allowing for measurable standards for testing.²⁹

For example, when comparing NJSP's Cultural Diversity learning objectives to PTC's Cultural Diversity performance objectives, OSC found that NJSP's course contained seven learning objectives and PTC's contained 23 objectives.³⁰ PTC standards offered clear objectives not included in NJSP's materials, such as "The trainee will identify the importance of social justice with respect to equality, including barriers to social justice"; "the trainee will identify a minimum of four ideas, attitudes, values, or habits of subcultures found in New Jersey, which may cause prejudice on the part of an officer not from that subculture"; and "the trainee will exhibit the ability to actively listen, while employing Critical Decision-Making skills during scenario-based exercises."

OSC recommends that NJSP consider incorporating PTC performance objectives in order to create more comprehensive and uniform training curricula.

In their respective responses to a draft of this report, neither NJSP nor OLEPS agreed to adopt this recommendation. NJSP stated it would take the recommendation under advisement. OLEPS stated that it would explore whether the PTC materials could benefit NJSP and will discuss the possibility with PTC staff.

OSC maintains this recommendation and emphasizes that the PTC performance objectives, which provide greater depth and specificity, are readily available and already subject to a degree of supervision by NJSP. Adoption of these standards by the Academy could lead to immediate improvements in recruit training on important Consent Decree topics such as cultural diversity, ethics, and search and seizure.

²⁸ N.J.S.A. 52:17B-70(c).

²⁹ OSC found some overlap in PTC performance objectives with separate NJSP courses. For example, PTC standards utilized for the NJSP course Bias in Policing contained objectives associated with Implicit Bias, which is a separate NJSP course. Despite noted overlaps, however, PTC standards still contained more content objectives.

³⁰ Four of those objectives are covered in NJSP ICAT training, however.

C. Findings Related to the Timing, Tracking, and Approval of Lesson Plan and Course Material Updates

OSC's review of the Training Bureau's lesson plan and course material revision process revealed inconsistent and problematic practices. OSC's review also found that neither NJSP nor OLEPS adequately ensure OLEPS's recommended changes to lesson plans are implemented.

1. NJSP Lacks a Policy or Practice of Regularly Reviewing Lesson Plans and Course Materials.

OSC found that NJSP does not have a written policy or consistent practice of reviewing and revising lesson plans at regular intervals. OSC found that lesson plan reviews were largely a matter of individual or unit practice. Some instructors and Training Bureau staff reported their belief that there was a two-year review policy; others stated they were unaware of any official policy on the subject.

In practice, most Training Bureau staff reported that they updated lesson plans either annually or every two years. OSC asked the head of TSU why only some Bureau staff followed a two-year update schedule and if there was a definitive policy on the issue. OSC was advised that there is no official policy and the two-year practice arose from a general understanding between OLEPS and the Training Bureau. Not all units follow this practice.

OSC surveyed lesson plans used by the Training Bureau and found significant delays between updates for some courses. OSC observed a seven-year delay between updates to the course materials for one class and a 14-year delay between updates to another.

OLEPS representatives stated they were aware of this issue and advised that they had recently reached an agreement concerning lesson plan reviews with the Training Bureau. Among other things, the agreement requires the Training Bureau to submit all Consent Decree related course materials for review every two years and all other course materials for review every four years. OLEPS acknowledged that prior to this agreement there was no official practice and that OLEPS instead reviewed lesson plans it received from NJSP on an *ad hoc* basis.

OSC also found the Training Bureau's documentation of revisions to course materials were inconsistent. Some instructors added their badge number and the date to the existing entries, establishing a record of consecutive revisions. Other instructors, however, replaced the previous badge number and date with their own badge number and the date. In one case, OSC observed a lesson plan that lacked either of these markers.

OSC recommends that NJSP adopt a policy requiring lesson plans to be reviewed annually and any revisions to be documented in a uniform manner. Doing so would ensure lesson plans contain the most current training practices, changes to New Jersey law, Attorney General Directives, and law enforcement best practices. OSC also recommends that OLEPS conduct oversight of this policy to ensure that NJSP is performing annual reviews of its lesson plans and course materials.

In its response to a draft, NJSP referred to its agreement with OLEPS concerning lesson plan review intervals and stated it would discuss the recommendation further with OLEPS. OLEPS

noted in its response that it will take this recommendation under advisement and discuss it further with NJSP.

2. NJSP and OLEPS Do Not Adequately Ensure That Lesson Plan Recommendations Have Been Implemented.

OSC found that OLEPS relies on NJSP to adopt its recommendations and does not review completed lesson plans to ensure that its recommendations have been adequately incorporated. OSC also found that NJSP does not have a process to ensure recommendations from OLEPS are either implemented or discussed in cases of disagreement. Since neither party takes responsibility for ensuring recommendations are addressed, the result is a process that lacks sufficient controls.

As part of its responsibilities, the Training Support Unit, or TSU, serves as the liaison between OLEPS and instructors that submit updated course materials. All updates are submitted by TSU to OLEPS. Subsequent to its review, OLEPS may notify TSU of its recommendations in the form of a memorandum. TSU then forwards that memorandum to the instructor making the lesson plan updates, at which time the recommendations must be implemented or a justification for not accepting the recommendations must be made.

OSC found that TSU does not ensure OLEPS's recommendations are reflected in the finalized course materials. TSU told OSC that it forwards OLEPS's memoranda to instructors and their respective Unit Head, but placed responsibility for ensuring that the recommendations are incorporated on the instructors. OSC interviewed several instructors who explained the process in similar terms, stating they would contact OLEPS by either email or phone to follow up on OLEPS's recommendations.

OLEPS corroborated this, in part, by stating that OLEPS and NJSP document their interactions concerning recommendations by email. OLEPS advised, however, that it does not follow up on lesson plan recommendations or check to ensure the recommendations have been incorporated. OLEPS instead only reviews the lesson plan for compliance if it is submitted for later review or when performing in-person class observations.

OSC found that class observations are limited, however, and therefore less likely to identify a course that has not been updated as required. Of the over 150 classes required of new recruits, OLEPS advised it strives to conduct 10 observations per new recruit class. OLEPS met this target in 2019, but conducted only four in-person audits in 2020 and only five in 2021.

The process currently employed by NJSP and OLEPS does not ensure recommendations from OLEPS are sufficiently addressed by NJSP. OSC recommends that NJSP and OLEPS adopt a policy to ensure that OLEPS's recommendations are adopted by NJSP or rejected with a detailed response. OSC also recommends that OLEPS increase the number of courses it observes to increase oversight over NJSP course materials and instruction.

NJSP acknowledged that there is no standard operating procedure to ensure that OLEPS's recommendations are incorporated. In response to a draft of this report, NJSP stated it is discussing how to formalize this process with OLEPS.

OLEPS noted in its response to a draft of this report that it has requested NJSP submit finalized course materials so OLEPS can ensure that recommendations have been incorporated. While noting the unusual circumstances of the pandemic, OLEPS also stated it will strive to increase the number of recruit courses it audits.

D. Update on Selected Prior OSC Recommendations

For this review, OSC also reviewed the status of certain recommendations that were made in its Fourth Periodic Report.³¹ OSC selected these recommendations for follow-up because they were deemed relevant to issues reviewed or identified by OSC in its current review.

- **Fourth Periodic Report, Recommendation No. 1:** OSC recommended that the NJSP Training Bureau assess its staffing levels on an annual basis to ensure it can fully accomplish all functions and remain proactive in developing, assessing and conducting trooper training.

OSC found that staffing levels at the Training Bureau continue to be inadequate despite frequent reporting on this issue. OSC has twice reported on staffing concerns at the Training Bureau, finding diminished permanent staffing and high turnover threaten to weaken the quality of training for recruits and enlisted troopers.³² OLEPS has also reported on this issue, finding low staffing in 2016's Eleventh Oversight Report, 2018's Thirteenth Oversight Report, and 2020's Fifteenth Oversight Report.³³

The Independent Monitors engaged to evaluate Consent Decree compliance found Academy staffing adequate at 58 permanent and 6 temporary personnel in December 2004.³⁴ OLEPS has evaluated Training Bureau staffing with similar figures, citing a range of 58 to 61 permanently assigned Academy staff as a benchmark previously agreed upon by independent monitors and NJSP.³⁵

³¹ NEW JERSEY OFFICE OF THE STATE COMPTROLLER, Fourth OSC Report.

³² NEW JERSEY OFFICE OF THE STATE COMPTROLLER, FIRST PERIODIC REPORT ON LAW ENFORCEMENT PROFESSIONAL STANDARDS (November 9, 2010), https://www.nj.gov/comptroller/news/docs/njsp_1st_report.pdf; NEW JERSEY OFFICE OF THE STATE COMPTROLLER, Fourth OSC Report.

³³ NEW JERSEY OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS, ELEVENTH OVERSIGHT REPORT (Oct. 2016), <https://www.nj.gov/oag/oleps/pdfs/OLEPS-2016-Eleventh-Oversight-Report.pdf>; NEW JERSEY OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS, THIRTEENTH OVERSIGHT REPORT (June 2018), <https://www.nj.gov/oag/oleps/pdfs/OLEPS-2018-Thirteenth-Oversight-Report.pdf>; NEW JERSEY OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS, Fifteenth OLEPS Oversight Report.

³⁴ See PUBLIC MANAGEMENT RESOURCES AND LITE, DEPALMA, GREENBERG AND RIVAS, ELEVENTH INDEPENDENT MONITORS' REPORT, LONG-TERM COMPLIANCE AUDIT, 65 (Dec. 20, 2004), <https://www.nj.gov/oag/monitors-report-11.pdf>.

³⁵ NEW JERSEY OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS, Fifteenth OLEPS Oversight Report at 109.

NJSP is not meeting this benchmark. It currently employs 51 permanent instructors and 13 detached instructors. These staffing numbers also do not take into consideration increased enlistment. NJSP enlistment has grown by over 500 troopers between 2012 and 2021, reaching a present total of 3,019. The growth within NJSP exacerbates the issues of diminished staffing in the Training Bureau. The lack of sufficient staffing affects all aspects of training, from actual instruction to course development and evaluation.

Given NJSP's increased enlistment, OSC recommends that NJSP, in coordination with OLEPS, conduct a thorough needs assessment and staffing study to determine an appropriate current staffing benchmark for the Training Bureau. OSC further recommends that NJSP make continuing efforts to fully staff the Academy and revisit its staffing benchmarks at regular intervals.

OSC also recommends that NJSP consider hiring civilian instructors to serve as permanent Academy staff. OSC notes the Self-Defense Unit already employs a civilian instructor with expertise in the fields of self-defense and de-escalation. Qualified civilian instructors could provide NJSP with a permanent staff of subject matter experts who are less likely than a trooper to be transferred.

In its response to a draft of this report, NJSP stated it does evaluate its staffing needs at the end of each recruit class. NJSP stated it will continue to request that additional permanent staff be assigned to the Academy. OLEPS agreed with this recommendation, and stated it will continue to recommend increased staffing.

OSC maintains this recommendation and emphasizes that the issue has not been fully addressed by NJSP despite past reporting on the issue. Proper recruit training requires a staff of permanent, qualified professional instructors, and OSC recommends that NJSP take stronger measures to ensure those needs are met.

- **Fourth Periodic Report, Recommendation No. 2:** OSC recommended that NJSP consider employing a civilian analyst to enhance data collection and quantitative analysis with regard to the Training Bureau.

During its current review, OSC confirmed that NJSP has not hired a civilian analyst to perform these functions. The current head of TSU stated that he believes the current staff are able to perform necessary analytical functions adequately. The TSU Unit Head advised that two civilian staff from that unit are completing the responsibilities regarding the data collection and that there was no need to hire an analyst.

In its response to a draft of this report, OLEPS noted that it has also called for the hiring of a civilian analyst in its own oversight reports.

- **Fourth Periodic Report, Recommendation No. 3:** OSC recommended that NJSP upgrade its firearms inventory and training databases to ensure the Training Bureau is aware of all firearms for which a trooper requires training.

OSC's review found that the NJSP has implemented this recommendation. OSC was advised that the concerns underlying its recommendation were the result of how the Firearms Unit, the Armorer Unit, and the relevant systems interacted. OSC was advised that since handgun and rifle

qualifications were conducted at separate times, firearms that were not part of a particular qualification would not populate in the relevant database. This discrepancy left the impression that certain troopers possessed firearms for which they had not received qualification. To remedy these concerns, NJSP has aligned the qualification times for handguns and rifles so all weapons appear on the necessary databases during qualifications.

- **Fourth Periodic Report, Recommendation No. 4:** OSC recommended NJSP follow OLEPS's advisement that the three-year service requirement, reduced to two years for operational needs, be reinstated as a pre-qualifier for Trooper Coach service.

OSC's review found that NJSP has implemented this recommendation. Specifically, OSC was advised that the three-year requirement was reinstated and that the reduced experience requirement was only in place briefly for the 156th graduating class of new recruits in 2016. The three-year requirement has been reinstated for all subsequent classes.

V. Recommendations

NJSP and OLEPS should maintain overall compliance with the terms of the Consent Decree with regard to training requirements and directives related to the NJSP Training Bureau. Compliance efforts should be further improved by implementing the following recommendations:

1. NJSP should deliver mandated trainings in accordance with the requirements of the training materials and should not deviate by shortening training times or removing exercises.
2. NJSP should implement procedures to create a standardized method by which instructor observations are conducted including the use of a standard form and process by which feedback is provided. This process should be formalized and include mandatory observation of all new instructors.
3. NJSP should interview all instructor candidates, including detached instructors. When possible, NJSP should refrain from recruiting detached instructors who have not expressed an interest in becoming part of the Training Academy.
4. NJSP should develop a process to ensure leadership training courses are completed within six months of trooper promotions, as required by the Consent Decree.
5. NJSP should solicit course specific feedback in its post event survey for new recruits similar to the post-event survey for enlisted members. At a minimum, course specific feedback should be requested for Consent Decree related courses. NJSP should alternatively consider evaluating Consent Decree courses at the end of each individual course.

6. NJSP should formally document the decision-making process for candidates seeking to become Trooper Coaches.
7. NJSP should revise its training materials to include best practices for adult learning, curricula development, and proficiency assessment. NJSP should also consider using the PTC performance objectives in order to create more comprehensive training curricula to assist in evaluating its training content. OSC further recommends that NJSP consider employing permanent civilian instructors and/or curriculum developers to supplement trooper staffing.
8. NJSP and OLEPS should create a process to ensure that all OLEPS course and/or SOP recommendations are discussed and/or implemented. OLEPS should ensure that all relevant courses are submitted for review rather than relying on NJSP to determine which courses relate to the Consent Decree.
9. NJSP should adopt a policy requiring lesson plans to be reviewed annually. Doing so would ensure lesson plans contain the most current training practices, changes to New Jersey law, Attorney General Directives, and law enforcement best practices. OSC also recommends that OLEPS conduct oversight of this policy to ensure that NJSP is performing annual reviews of its lesson plans and course materials.
10. NJSP Training Bureau should evaluate its staffing needs based on the current size of the agency, which has increased significantly since the Consent Decree recommendation of 58 to 61 staff members.
11. OLEPS should continue to independently monitor NJSP's performance and submit periodic reports on issues involving training. OLEPS should continue to recommend changes in procedures where appropriate.