



**STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

UNITED STATES OF AMERICA

v.

**STATE OF NEW JERSEY and
DIVISION OF STATE POLICE OF
THE NEW JERSEY DEPARTMENT
OF LAW AND PUBLIC SAFETY**

CIVIL ACTION NO. 99-5970 (MLC)

**NINTH PROGRESS/STATUS SUMMARY OF THE CONSENT DECREE
ENTERED INTO BY THE UNITED STATES OF AMERICA
AND THE STATE OF NEW JERSEY REGARDING
THE NEW JERSEY DIVISION OF STATE POLICE**

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**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

EXECUTIVE SUMMARY

The State of New Jersey and the United States of America agreed upon the terms of a Consent Decree in Civil No. 99-5970 (MLC) ("Consent Decree" or "Decree"). This Consent Decree reflected many of the recommendations previously made by the State Police Review Team in reports submitted to the Attorney General of the State of New Jersey in April and July of 1999. The Honorable Mary L. Cooper, United States District Judge, District of New Jersey, signed the Consent Decree and Order Appointing the Independent Monitoring Team ("IMT") on December 30, 1999 and May 12, 2000, respectively. Pursuant to ¶121 of the Decree, the IMT has filed nine reports, assessing the levels of State compliance with the requirements of the Decree, on October 6, 2000; January 10, 2001; April 12, 2001; July 17, 2001; January 18, 2002; July 19, 2002; January 17, 2003; August 21, 2003; and January 23, 2004, respectively.

Decree ¶122 requires the State to submit periodic status reports delineating steps taken to comply with the Consent Decree. The State submitted its First Status Report on April 27, 2000; its Second Status Report on October 27, 2000; its Third Status Report on April 27, 2001; its Fourth Status Report on October 29, 2001; its Fifth Status Report on May 9, 2002; its Sixth Status Report on October 23, 2002; its Seventh Status Report on April 28, 2003; and its Eighth Status Report on November 7, 2003. Pursuant to Decree ¶122, this is the Ninth Status Report seeking to summarize the status of the State's implementation of the Decree during the six-month period of October 1, 2003 through March 31, 2004.

The highlight of this review period was the United States joining with the State to dissolve those portions of the Consent Decree pertaining to internal affairs reforms. Specifically, the United States did not oppose the motion and agreed to sign a joint consent order to effectuate dissolution of paragraphs 57 through 92, "Misconduct Investigation, Analysis, and Resolutions" (excluding paragraphs 87 through 90). The motion was filed before this period expired and was granted shortly thereafter, on April 6, 2004, by the Honorable Mary L. Cooper, U.S.D.J., United States District Court, dissolving the 1999 Consent Decree, paragraphs 57 through 92 (excluding paragraphs 87 and 90). The granting of the motion was a recognition of the internal affairs reforms of the New Jersey State Police and the fact that they had achieved substantial compliance for four successive review periods for the paragraphs that were terminated from the Consent Decree. In addition to this recognition, this partial termination will provide an incentive to the entire New Jersey State Police organization to achieve substantial compliance in all other areas of the Consent Decree. Finally, the partial termination will allow the United States, the Office of State Police Affairs, and the IMT to focus on those portions of the Consent Decree for which compliance has not yet been achieved.

Significant progress has also been made in the Field Operations section. During the review period, the Operations Information Center was implemented. This is an

information system accessed through the New Jersey State Police intranet home page and is accessible to all enlisted personnel. This information system provides updates and reminders of relevant issues in response to Consent Decree tasks and search and seizure issues. This system has been well received by field personnel. In addition, a search and seizure review committee has been formed and will be chaired by the Director of the Office of State Police Affairs. This committee will consist of members of the Office of State Police Affairs, the Division of Criminal Justice, and New Jersey State Police. This committee was formed to address the more perplexing field operations issues that require not only legal analysis but also policymaking. It is also the mission of the committee to ensure that State Police Standing Operating Procedures ("SOP's"), particularly as they pertain to field operations, keep pace with evolving New Jersey case law. The committee is not meant to be a substitute for timely legal advice from either a prosecutor's office, the Division of Criminal Justice, or the Office of State Police Affairs. Instead, it is envisioned that the committee will address those issues that are most perplexing and that reoccur with some frequency.

It should also be noted that through field operations a proposal was submitted to enhance field supervision with the designation of an assistant patrol supervisor. If looked upon favorably by the United States and the IMT, this designation would be awarded to personnel who perform in an exemplary manner and show the requisite supervisory knowledge of Consent Decree and search and seizure issues. Troopers designated as assistant patrol supervisors would supplement the efforts of the patrol sergeant in providing "on-the-scene" supervision and support to troopers.

Another effective innovation was the establishment of the Management Accountability Conferences (MAC) by the Superintendent of the New Jersey State Police. The MAC is a bimonthly meeting chaired by the Superintendent of the New Jersey State Police and his immediate staff. The purpose is to hold the different units within the State Police organization to be accountable for maximum efficiency and effectiveness. In addition to other management issues, the MAC is being used to discuss Consent Decree issues, the progress of the New Jersey State Police towards Consent Decree reforms, and Consent Decree compliance.

In regards to the Management Awareness Performance Program System (MAPPS), during the review period, the IMT found all the required elements for MAPPS were operational. The various modules of MAPPS have been activated and targeted reviews identifying troopers falling outside two standard deviations from their peer group have begun. Basically, MAPPS became fully operational on January 1, 2004.

Substantial progress has also been made in the area of training. During the review period, the SOP pertaining to the development and delivery of training, C-25, was approved and fully implemented. This SOP incorporates the seven-step development and delivery process recommended and urged by the IMT. The training highlight during this period was the Return On Investment (ROI) program. This was a one-week program attended by selected Academy staff members. It provided expert instruction on the seven-step process and further refinement of the development and delivery process of all training.

Academy staffing studies were also completed which will further enhance the Commandant's ability to effectively structure and staff to meet the various missions of the Academy. A PARScore data system was also implemented to collect and analyze data for test scores and course evaluations. The first instructor's orientation course was also given during the review period, and the implementation of same is expected to enhance and increase the effectiveness and professionalism of Academy instructors. Moreover, an agreement was reached with various county prosecutors' offices, through the New Jersey Prosecutor's Association, that will provide assistant prosecutors to the Academy to conduct search and seizure and Fourth Amendment training. These assistant prosecutors, who are regularly involved in the litigation of motions to suppress and various police search and seizure issues, will provide great insight into courtroom issues and constitutional law as it relates to police duties. Moreover, cultural awareness training was expertly provided by the Diversity Institute of Rutgers-Newark during this period.

Additional significant progress has been made during this six-month period. Essentially, this progress has occurred in the following areas:

- (1) continued implementation of existing motor vehicle stop data collection systems (see Tasks 29 and 30);
- (2) delivery of updated training to supervisors that reinforced compliance with the prohibition of Task 26 specific to stop and approach procedures. This training also included a review of procedures and systems designed to further facilitate supervisory review of member performance (Tasks 26 and 30);
- (3) full implementation of the Management Awareness and Personnel Performance System ("MAPPS") (see Tasks 40-51);
- (4) continued training on MAPPS to Field Operations as well as non-field operations personnel prior to MAPPS implementation;
- (5) continued implementation of enhanced supervision of consent searches through methods including supervisory approval prior to any request for consent to search and supervisory review of MVRs for all consent searches (see Task 28);
- (6) supervisory review of MVRs for all canine deployment and use of force (Task 28);
- (7) continued implementation of enhanced supervision during non-consensual searches (Tasks 27, 28, 30B and 32);
- (8) continued performance of misconduct investigations in a more expeditious manner, eliminating the backlog (see Task 87);

- (9) expansion of the State Police Urban Initiative in Camden, New Jersey to include Irvington, New Jersey;
- (10) continued implementation of an enhanced trooper coach program for probationary troopers (see Task 102);
- (11) continued annual delivery of training on cultural diversity and communication to recruits (see Tasks 100, 102);
- (12) continued annual training on ethics to enlisted members and recruits (see Tasks 100 and 102);
- (13) delivery of training for search and seizure requirements and the anti-discrimination requirements of the Decree to recruits (see Tasks 101 and 26);
- (14) continued audits of persons subjected to motor vehicle stops (Task 111);
- (15) continued audits of the receipt, investigation and adjudication of misconduct allegations (Task 112); and
- (16) publication of the State's Eighth Semiannual Public Report of Aggregate Data (Task 114).

The State continues to be committed to implementing the provisions of the Consent Decree in a time frame that is consistent with the safety of the public and the members of the New Jersey State Police.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 26

Task: Prohibit consideration of race, nationality, ethnicity.

Decree ¶26

Decree Language:

“26. Except in the suspect-specific (“be on the lookout” or “BOLO”) situation described below, state troopers shall continue to be prohibited from considering in any fashion and to any degree the race or nationality or ethnic origin of civilian drivers or passengers in deciding which vehicles to subject to any motor vehicle stop and in deciding upon the scope or substance of any enforcement action or procedure in connection with or during the course of a motor vehicle stop. Where state troopers are seeking to detain, apprehend, or otherwise be on the lookout for one or more specific suspects who have been identified or described in part by race or national or ethnic origin, state troopers may rely in part on race or national or ethnic origin in determining whether reasonable suspicion exists that a given individual is the person being sought.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division of State Police adopted protocols containing the prohibition in Task 26. The prohibition became effective on the date the Decree was entered (December 30, 1999). During the year 2000, members received two phases of in-service training addressing topics including the nondiscrimination requirements of Task 26.

Specifically, during the Summer of 2000, the motor vehicle stop protocols containing the prohibition became fully effective and continue to remain in full effect. These protocols require members to file certain reports (e.g., motor vehicle stop report) whenever the member performs a law enforcement procedure during the course of a motor vehicle stop. These protocols further require supervisors to review these reports and to randomly review Mobile Video Recordings (“MVRs”) of motor vehicle stops.

All new state police recruit classes review training regarding compliance with Task 26 specific to stop, approach and post-stop law enforcement procedures. In addition, during supervision classes newly promoted supervisors receive training to review procedures and systems designed to further facilitate supervisory review of member performance (Task 36).

During this review period full implementation of MAPPS took place as of January 1, 2004 (see Task 40).

**DEPARTMENT OF LAW AND PUBLIC SAFETY
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Task Number: 27

Task: Written Protocol for Motor Vehicle Stop Criteria.

Decree ¶27

Decree Language:

“27. The State Police has adopted a protocol captioned “F-55 (Motor Vehicle Stops)”, dated December 14, 1999, which establishes criteria to be followed by state troopers in selecting which vehicles to stop for violation of state motor vehicle laws. This protocol includes the nondiscrimination requirements set forth in ¶26 and has been approved by the United States in so far as the protocol identifies practices and procedures required by the Decree. The State shall implement this protocol as soon as practicable. The State shall monitor and evaluate the implementation of the motor vehicle stop criteria and shall revise the criteria as may be necessary or appropriate to ensure compliance with ¶¶26 and 129. Prior to the implementation of any revised criteria, the State shall obtain approval from the United States and the Independent Monitor.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division of State Police adopted the protocol identified above.

During previous review periods, all members received Phase V training on S.O.P. F55, motor vehicle stop, search and seizure. This training emphasized the S.O.P. revision requiring that post-stop questioning be reasonably related to the stop. Phase V training was completed on July 13, 2001. Additionally, the State commenced Phase VII supervisory training which reemphasized all of the protocols for motor vehicle stop criteria. Phase VII also included training on the standardized form and instructions for supervisory review of MVR tapes and the standardized documentation of members' compliance or non-compliance with the protocols governing motor vehicle stop criteria. Phase VII training began on August 21, 2001, and was scheduled to be completed on September 21, 2001. However, the Phase VII training schedule was interrupted on September 11, 2001, due to operational exigencies relating to national security. Phase VII training was completed in November 2001.

All newly promoted supervisors receive supervisory training which reemphasize all of the protocols for motor vehicle stop criteria. Also included in this training is a review on the standardized form and instructions for supervisory review of MVR tapes and the

standardized documentation of members' compliance or non-compliance with the protocols governing motor vehicle stop criteria.

During this review period, the MAPPS application has become fully operational throughout Field Operations. Consequently, supervisory personnel completed quarterly reviews of motor vehicle stop data, and conducted SP 632 reviews of their personnel through the MAPPS application. The written reports were submitted to OSPA for review. Key areas of consideration were identified and communicated directly to the MAPPS coordinators for dissemination to the supervisors in their respective troops.

Standardization of reviews for MVSR was accomplished through the integration of the SP form 528, and the introduction of the R1 format utilized by the IMT. The integration of the two formats provides specific focus and direction to address those issues as identified by the IMT. As a result, Field Operations personnel, and OSPA have been able to coordinate their effort and attention to those areas of concern as specified by the IMT.

In addition, Field Training Officers (FTOs), have identified those areas of report reviews that have been found to be problematic. Initiated in Troop B, this review has been conducted at the troop level in all five troops. The result, is a training program conducted at the FTO level which specifically addresses the most frequently occurring errors on MVSR and related reports. These issues will also be reinforced in the MAPPS refresher training for Field Operations supervisors to be conducted in May.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
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Task Number: 28

Task: Continue Consensual Search Requirements

Decree ¶28

Decree Language:

“28. In order to help ensure that state troopers use their authority to conduct consensual motor vehicle searches in a nondiscriminatory manner, the State Police shall continue to require: that state troopers may request consent to search a motor vehicle only where troopers can articulate a reasonable suspicion that a search would reveal evidence of a crime; that every consent search of a vehicle be based on written consent of the driver or other person authorized to give consent which precedes the search; that the scope of a consent search be limited to the scope of the consent that is given by the driver or other person authorized to give consent; that the driver or other person authorized to give consent has the right to be present during a consent search at a location consistent with the safety of both the state trooper and the motor vehicle occupants, which right can only be waived after the driver or other person authorized to give consent is advised of such right; that the driver or other person authorized to give consent who has granted written consent may orally withdraw that consent at any time during the search without giving a reason; and that state troopers immediately must stop a consent search of a vehicle if and when consent is withdrawn (except that a search may continue if permitted on some non-consensual basis).”

PROGRESS/STATUS SUMMARY

Division of State Police procedures which were in effect before the Consent Decree was entered (on December 30, 1999) required consensual motor vehicle searches to be conducted in accordance with the requirements of Task 28, except those expressly referring to the right of the consenting person to be present during the search. On December 14, 1999, the Division of State Police adopted protocols containing all of the requirements set forth in Task 28. During 2000, members received two phases of in-service training addressing topics including the requirements of Task 28.

Protocols and written orders were developed implementing Task 28 in the following manner: (1) requiring supervisory approval prior to any request for consent search; and (2) requiring supervisory review of all MVRs depicting a request for a consent to search remained in effect during this review period. This supervisory approval process includes

an independent factual analysis of whether reasonable suspicion exists as to the request for consent to search.

During prior review periods, the State's proposed modifications to S.O.P. F-55, "Traffic Stop Procedures; Motor Vehicle Search and Seizures; Inventory and Impoundment," and S.O.P. F-19, Mobile Video/Audio Recording (MVR) Equipment, and S.O.P. F-7, Radio Procedures, which had previously been approved by the IMT and DOJ were signed and implemented. The following pertinent amendments were made:

Members shall notify the communications center, and patrol supervisor, prior to conducting a non-consensual search of a motor vehicle, unless circumstances make prior notice unsafe or impractical. After being advised of the member's intent to conduct a non-consensual search, a supervisor shall proceed to the scene whenever operationally feasible.

Members shall notify a supervisor, using the State Police radio, prior to requesting a consent to search a motor vehicle and shall not request consent to search unless approval has been granted by the supervisor, in accordance with S.O.P. F31, "Consent Searches." The supervisor shall inform the communications center whether they have granted or denied the member's request to conduct a consent search. After being advised of the member's intent to conduct a consent search, a supervisor shall proceed to the scene whenever operationally feasible.

Attorneys from the OSPA continue to be assigned as legal advisors to each of the Troops to assist on Consent Decree issues. Also, Assistant Prosecutors from the County Prosecutors' Offices continue to be available to provide advice on a 24/7 basis to the Troops.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
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Task Number: 29A

Task: Written Protocols for Documenting Motor Vehicle Stop Activity.

Decree ¶29(a)

Decree Language:

“29(a) The State has adopted protocols (captioned F-55 (Motor Vehicle Stops) dated 12/14/99; C-22 (Activity Reporting System), F-3 (Patrol Procedures), F-7 (Radio Procedures), F-19 (MVR equipment), F-31 (Consent Searches), and a Motor Vehicle Stop Search Report dated 12/21/99; and a Property Report (S.P. 131 (Rev. 1/91)) that require state troopers utilizing vehicles, both marked and unmarked, for patrols on roadways to accurately record in written reports, logs, radio communications, radio recordings and/or video recordings, the following information concerning all motor vehicle stops:

1. name and identification number of trooper(s) who initiated the stop;
2. name and identification number of trooper(s) who actively participated in the stop;
3. date, time, and location of the stop;
4. time at which the stop commenced and at which it ended;
5. license number/state of stopped vehicle;
- 5A. description of stopped vehicle;
6. the gender and race/ethnicity of the driver, and the driver’s date of birth if known;
7. the gender and race/ethnicity of any passenger who was requested to exit the vehicle, frisked, searched, requested to consent to a vehicle search, or arrested;
8. whether the driver was issued a summons or warning and the category of violation (i.e., moving violation or non-moving violation);
- 8A. specific violations cited or warned;
9. the reason for the stop (i.e., moving violation or non-moving violation, other [probable cause/BOLO]);
10. whether the vehicle occupant(s) were requested to exit the vehicle;
11. whether the vehicle occupant(s) were frisked;
12. whether consent to search the vehicle was requested and whether consent was granted;
- 12A. the basis for requesting consent to search the vehicle;
13. whether a drug-detection canine was deployed and whether an alert occurred;
- 13A. a description of the circumstances that prompted the deployment of a drug-detection canine;

14. whether a non-consensual search of the vehicle was conducted;
- 14A. the circumstances that prompted a non-consensual search of the vehicle;
15. whether any contraband or other property was seized;
- 15A. a description of the type and quantity of any contraband or other property seized;
16. whether the vehicle occupant(s) were arrested, and if so, the specific charges;
17. whether the vehicle occupant(s) were subjected to deadly, physical, mechanical or chemical force;
- 17A. a description of the circumstances that prompted the use of force; and a description of any injuries to state troopers and vehicle occupants as a result of the use of force;
18. the trooper's race and gender; and
19. the trooper's specific assignment at the time of the stop (on duty only) including squad.

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division of State Police adopted protocols containing all of the requirements set forth in Task 29A. During 2000, members received two phases of in-service training addressing topics including the requirements of Task 29A, and the Division of State Police modified equipment to capture the information listed in Task 29A as required by implementing protocols. Members were trained to use this data collection equipment during October 2000. The protocols for documenting motor vehicle stop activity required by Task 29A are fully effective and have remained in full effect during this review period.

All new recruits receive training regarding the protocols described above which include detailed instruction on completing the MVSR identified in Task 29A.

During this review period, the State continued to evaluate the collection of information required by Task 29A and improve its efficiency and accuracy through methods including: (1) continued supervisory review of the reports containing this information; (2) modifications to equipment utilized to record and process this information; (3) revisions to training regarding recording this information; and (4) revising protocols to improve the audit process by requiring that the call-in of the stop be captured on the patrol's mobile video recorder (MVR).

A MAPPS refresher training will be conducted in May 2004 for field operations supervisors. A comprehensive analysis of the common problematic areas, as identified through MVR reviews, was presented at the troop level by the FTOs. These common problem areas will serve as the foundation for the lesson plan. Furthermore, specific review of established Standard Operations Procedures which define and delineate the guidelines for frisks and searches will also be reviewed.

It is anticipated that during the current review period, a Search & Seizure Committee will be established within the Division that will provide additional information for dissemination to the Field Operation supervisors.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
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Task Number: 29B

Task: Implementation of Motor Vehicle Stop Protocols as Soon as Practicable

Decree ¶29(b)

Decree Language:

“29(b) The protocols listed in ¶29(a) include, inter alia, the procedures set forth in ¶¶30, 31, 32, and 33 and have been approved by the United States insofar as the protocols identify practices and procedures required by this Decree. The State shall implement these protocols as soon as practicable.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division of State Police adopted the protocols identified above. During 2000, members received two phases of in-service training addressing topics including the requirements of the protocols identified above, and the Division of State Police modified equipment to facilitate collection of motor vehicle stop data required by these protocols. The protocols for documenting motor vehicle stop activity required by Task 29b are fully effective and have remained in full effect during this review period.

All new recruits receive training regarding the protocols described above which include detailed instruction on completing the MVSR identified in Task 29A.

All newly promoted supervisors receive training that review the data collection requirements of Task 29 and included an MVR standardized review form and process.

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Task Number: 29C

Task: Forms to Implement Tasks 31, 32 and 33

Decree ¶29(c)

Decree Language:

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

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division of State Police adopted protocols requiring the preparation of forms, reports, and logs required to implement Decree paragraphs identified in Task 29C. During 2000, the Division of State Police received approval for forms, including the Motor Vehicle Stop Report (SP 338), implementing Task 29C which were revised to reduce duplication and paperwork. The protocols for implementing Task 29C are fully effective and have remained in full effect during this review period.

Revised protocols: (1) requiring members to activate the audio components of a Mobile Video Recorder (“MVR”) before the stop is called in to the communications center; (2) requiring at least one random supervisory review of an MVR per trooper per month including a law enforcement procedure; and (3) requiring that all supervisory MVR reviews be completed on a standardized form according to standardized instructions remained in effect during this review period. These protocol revisions were approved by the IMT and the DOJ and became fully effective during November 2001. The State commenced Phase VII training, which included these new requirements on August 21, 2001. Phase VII training was completed in November 2001. These protocols continued to remain in effect during this review period.

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Task Number: 29E

Task: Approval of Revisions to Protocols, Forms, Reports and Logs

Decree ¶29(e)

Decree Language:

“29(e) Prior to implementation, of any revised protocols and forms, reports, and logs adopted pursuant to subparagraph (d) of this paragraph, the State shall obtain approval of the United States and the Independent Monitor. The United States and the Independent Monitor shall be deemed to have provided such approval unless they advise the State of any objection to a revised protocol within 30 days of receiving same. The approval requirement of this subparagraph extends to protocols, forms, reports, and logs only insofar as they implement practices and procedures required by this Decree.”

PROGRESS/STATUS SUMMARY

During this review period, the IMT and the DOJ were notified in advance of proposed changes to Decree related protocols.

During this review period, the DOJ and IMT have been forwarded several proposed changes to Consent Decree-related protocols, including protocols for MAPPS.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
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Task Number: 30

Task: Communication Center Call-Ins

Decree ¶30

Decree Language:

“30.State troopers utilizing vehicles, both marked and unmarked, for patrols on roadways shall continue to document all motor vehicle stops, inter alia, by calling in or otherwise notifying the communications center of each motor vehicle stop. All motor vehicle stop information enumerated in ¶29(a) that is transmitted to the communications center by state troopers pursuant to protocols listed in ¶29(a), and as revised pursuant to ¶¶29(d) and (e), shall be recorded by the center by means of the center’s Computer Aided Dispatch system or other appropriate means.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division of State Police adopted protocols containing all of the requirements set forth in Task 30. During 2000, members received two phases of in-service training addressing topics including the requirements of Task 30, the Division of State Police installed and modified the Computer Aided Dispatch (“CAD”) equipment to capture the information listed in Tasks 29 and 30 as required by implementing protocols (e.g., reason for stop, revised race/ethnicity codes), and members began utilizing the revised call-in procedures to record this information as required by Task 30.

During this review period, Division of State Police members continued to utilize the call-in procedures as required by Task 30.

Also during this review period, the State continued to evaluate the collection of information required by Tasks 30 through 30D, and improve its efficiency and accuracy through methods which may include modifications to equipment utilized to record and process this information, and revisions to training regarding the recordation of this information.

During this review period, the State’s proposed modifications to S.O.P. F-55, “Traffic Stop Procedures; Motor Vehicle Search and Seizures; Inventory and Impoundment,” and S.O.P. F-19, Mobile Video/Audio Recording (MVR) Equipment, and S.O.P. F-7, Radio Procedures, which had previously been approved by the IMT and DOJ were signed and implemented and continued to remain in effect.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
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Task Number: 30A

Task: Notice of Call-In at Beginning of Stop

Decree ¶30(a)

Decree Language:

“30(a) The initial call shall be made at the beginning of the stop before the trooper approaches the stopped vehicle, unless the circumstances make prior notice unsafe or impractical, in which event the state trooper shall notify the communications center as soon as practicable. The State Police shall continue to require that, in calling in or otherwise notifying the communications center of a motor vehicle stop, state troopers shall provide the communications center with a description of the stopped vehicle and its occupants (including the number of occupants, their apparent race/ethnicity, and their apparent gender). Troopers also shall inform the communications center of the reason for the stop, namely, moving violation, non-moving violation, or other.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division of State Police adopted protocols containing all of the requirements set forth in Task 30A. During 2000, members received two phases of in-service training addressing topics including the requirements of Task 30A, the Division of State Police installed and modified the CAD equipment to capture the information listed in Tasks 29 and 30A as required by implementing protocols (e.g., reason for stop, revised race/ethnicity codes), and members began utilizing the revised call-in procedures to record this information as required by Task 30A.

During prior review periods, Division of State Police members continued to utilize the call-in procedures as required by Task 30A. Additionally, to facilitate the auditing of call-in procedures, the State revised Mobile Video Recorder protocols to require members to activate the audio and video components of the MVR before the stop is called in to the communications center. These proposed revisions were approved by the IMT and the DOJ prior to their implementation in November 2001.

During this review period, the Division of State Police continued to utilize the call-in procedure as required by Task 30A.

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Task Number: 30B

Task: Notice Prior to Consent Search

Decree ¶30(b)

Decree Language:

“30(b) State troopers shall notify the communications center prior to conducting a consent search or nonconsensual search of a motor vehicle, unless the circumstances make prior notice unsafe or impractical.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division of State Police adopted protocols containing all of the requirements set forth in Task 30B. During 2000, members received two phases of in-service training addressing topics including the requirements of Task 30B, the Division of State Police installed and modified the CAD equipment to capture the information listed in Tasks 29 and 30B as required by implementing protocols (e.g., reason for stop, revised race/ethnicity codes), and members began utilizing the revised call-in procedures to record this information as required by Task 30B.

During prior review periods, Division of State Police members continued to utilize the call-in procedures as required by Task 30B. Additionally, as set forth in the status summary for Task 31A-C, the State revised Consent Search protocols to require supervisory notice and approval prior to any request for consent to search. These proposed revisions were approved by the IMT and the DOJ prior to their implementation in November 2001.

During a prior review period, S.O.P. F7 Radio Procedures, which had previously been approved by the IMT and DOJ was signed and implemented. The following pertinent amendments were made which continue to remain in effect:

Members shall notify the communications center, and patrol supervisor, prior to conducting a non-consensual search of a motor vehicle, unless circumstances make prior notice unsafe or impractical. After being advised of the member’s intent to conduct a non-consensual search, a supervisor shall proceed to the scene whenever operationally feasible.

Members shall notify a supervisor, using the State Police radio, prior to requesting a consent to search a motor vehicle and shall not request consent to search unless approval has

been granted by the supervisor, in accordance with S.O.P. F31, "Consent Searches." The supervisor shall inform the communications center whether they have granted or denied the member's request to conduct a consent search. After being advised of the member's intent to conduct a consent search, a supervisor shall proceed to the scene whenever operationally feasible.

All enlisted personnel were given additional annual in-service training on search and seizure, during this review period.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
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Task Number: 30C

Task: Call-Ins Upon Completion of Stop

Decree ¶30(c)

Decree Language:

“30(c) At the conclusion of the stop, before the trooper leaves the scene, the trooper shall notify the communications center that the stop has been concluded, notify the center whether any summons or written warning was issued or custodial arrest was made, communicate any information that is required to be provided by the protocols listed in ¶29(a) that was not previously provided, and correct any information previously provided that was inaccurate. If circumstances make it unsafe or impractical to notify the communications center of this information immediately at the conclusion of the stop, the information shall be provided to the communications center as soon as practicable.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division of State Police adopted protocols containing all of the requirements set forth in Task 30C. During 2000, members received two phases of in-service training addressing topics including the requirements of Task 30C, the Division of State Police installed and modified the CAD equipment to capture the information listed in Tasks 29 and 30C as required by implementing protocols (e.g., outcome of stop as moving or nonmoving, summons or warning), and members began utilizing the revised call-in procedures to record this information as required by Task 30C. During previous review periods, the State completed Phase VII training which included the elements required by Task 30(c).

To improve the audit of call-in requirements, the Division of State Police modified its MVR protocols to include a requirement for MVR recordation of the clearing of the stop, including the required disposition codes. These modifications were approved by the IMT and the DOJ prior to their implementation in November 2001. During this review period, Division of State Police members continued to utilize the call-in procedures as required by Task 30C.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 30D

Task: CADS Incident Number Notification

Decree ¶30(d)

Decree Language:

“30(d) The communications center shall inform the trooper of an incident number assigned to each motor vehicle stop that involved a motor vehicle procedure (i.e., occupant requested to exit vehicle, occupant frisked, request for consent search, search, drug dog deployed, seizure, arrest or use of force), and troopers shall utilize that incident number to cross reference other documents prepared regarding that stop. Likewise, all motor vehicle stop information recorded by the communication center about a particular motor vehicle stop shall be identified by the unique incident number assigned to that motor vehicle stop.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division of State Police adopted protocols containing all of the requirements set forth in Task 30D. These protocols established that a Motor Vehicle Stop Report, indexed by CAD incident number, shall be completed whenever a member performs any of the motor vehicle procedures enumerated in Task 30D. During 2000, members received two phases of in-service training addressing topics including the requirements of Task 30D, the CAD system was installed throughout the Division of State Police, and CAD communications operators were instructed to provide the incident number (utilized as a cross reference to other documents) upon the member's request, the CAD system was modified to record such requests, and members began utilizing the revised call-in procedures to obtain and record this information as required by Task 30D. During previous review periods, the State completed Phase VII training which included call-in procedures required by Task 30(d).

During this review period, OSPA audits of MAPPS revealed inconsistent application of new stop incident number assignments through the Computer Aided Dispatch (CAD) system. New procedures were implemented to facilitate the collection of information [¶29(a), ¶30(d)] when incidents not initiated as motor vehicle stops necessitate the detention of vehicle passengers (¶20). As a result of the audit, the CAD data for the last two quarters of 2003 were reaggregated for MAPPS. Field Operations issued a memorandum through the Operations Information Center, reminding members of relevant call-in procedures. CAD operators received additional training on their procedures, and certain adjustments to the new incident number programming are planned.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 31

Task: Continue Consent to Search Form

Decree ¶31

Decree Language:

“31. The State Police shall continue to require that whenever a state trooper wishes to conduct or conducts a consensual search of a motor vehicle in connection with a motor vehicle stop, the trooper must complete a “consent to search” form and report. The “consent to search” form shall contain information which must be presented to the driver or other person authorized to give consent before a consent search may be commenced. This form shall be prepared in English and Spanish. The “consent to search” report shall contain additional information which must be documented for State Police records.”

PROGRESS/STATUS SUMMARY

Division of State Police procedures which were in effect before the Consent Decree was entered (on December 30, 1999) required the completion of a “consent to search” form and a report whenever a member conducted a consensual search. On December 14, 1999, the Division of State Police adopted protocols which also contained the requirements of Task 31.

During 2000, members received two phases of in-service training addressing topics including the requirements of Task 31 and the Division of State Police modified equipment to facilitate collection of motor vehicle stop data, including whether a consent to search the vehicle was requested and whether consent was granted, and whether any contraband or other property was seized, as referenced in Task 31 and required in Task 29. Members were trained to use this data collection equipment during 2000.

As set forth in the status summary for Task 31A-C, the State revised Consent Search protocols to require supervisory notice and approval prior to any request for consent to search. This modification was approved by the IMT and the DOJ prior to implementation in November 2001. In addition, supervisors are now required, where operationally feasible to respond to the scene of a consent search. During this review period, Division of State Police members continued implementation of the protocols outlined above.

All enlisted personnel were given additional annual in-service training on search and seizure, during this review period.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 31A-C

Task: Recording Consent to Search Requests

Decree ¶31(a-c)

Decree Language:

“31a. The State Police shall require that all consent to search forms include the following information:

- . the date and location of the stop;
- . the name and identification number of the trooper making the request for consent to search;
- . the names and identification numbers of any additional troopers who actively participate in the discussion with the driver or passenger(s) concerning the request for consent to search;
- . a statement informing the driver or other person authorized to give consent of the right to refuse to grant consent to search, and that if the driver or other person authorized to give consent grants consent, the driver or other person authorized to give consent at any time for any reason may withdraw consent to search;
- . a statement informing the driver or other person authorized to give consent of the right to be present during the search at a location consistent with the safety of both the state trooper and the motor vehicle occupant(s) which right may be knowingly waived;
- . check-off boxes to indicate whether consent has been granted, and if consent is granted, the driver or other person authorized to give consent shall check the appropriate box and sign and date the form; and
- . if the driver or other person authorized to give consent refuses consent, the trooper or the driver or other person authorized to give consent shall so note on the form and the driver or other person authorized to give consent shall not be required to sign the form.

- b. A state trooper who requests permission to conduct a consent search shall document in a written report the following information regardless of whether the request for permission to conduct a search was granted or denied:
- . the name of the driver or other person authorized to give consent to whom the request for consent is directed, and that person's gender, race/ethnicity, and, if known, date of birth;
 - . the names and identification numbers of all troopers who actively participate in the search;
 - . the circumstances which constituted the reasonable suspicion giving rise to the request for consent;
 - . if consent initially is granted and then is withdrawn, the fact that this occurred, and whether the search continued based on probable cause or other non-consensual ground, or was terminated as a result of the withdrawal of consent;
 - . a description of the type and quantity of any contraband or other property seized; and,
 - . whether the discussion concerning the request for consent to search and/or any ensuing consent search were recorded using MVR equipment.
- c. The trooper shall sign and date the form and the report after each is fully completed."

PROGRESS/STATUS SUMMARY

Division of State Police procedures which were in effect before the Consent Decree was entered (on December 30, 1999) required the completion of a "consent to search" form and a report whenever a member conducted a consensual search. These procedures contained the requirements outlined in Task 31A-C, except for the express reference to the right of consenting persons to be present during the search and the completion of a "consent to search" report whenever a member requests consent to search (even though no search is actually conducted). On December 14, 1999, the Division of State Police adopted the protocols which contain all the requirements (in revised consent to search forms and Motor Vehicle Stop Reports (SP 338)) as set forth in Task 31A-C.

During 2000, members received two phases of in-service training addressing topics that included the requirements of Task 31A-C, and the Division of State Police modified equipment to facilitate collection of motor vehicle stop data, as referenced in Task 31A-C

and required in Task 29. Enlisted members were trained to use this data collection equipment during 2000. All new recruits receive the most updated training in this area.

In the Summer of 2001, members received Phase V training, which addressed the requirements of Task 31A-C. Division of State Police members have continued to utilize the consent to search procedures as required by Task 31A-C. Moreover, the State revised the Consent Search protocols to require supervisory notice and approval prior to any request for consent to search. This process includes an independent supervisory analysis of the facts supporting reasonable suspicion before supervisory approval to request consent. In addition, currently supervisors are required where operationally feasible to respond to the scene of a search. These modifications have previously been approved by the IMT and the DOJ prior to their implementation.

Phase VII training, which emphasized these requirements, commenced on August 21, 2001, and was completed in November 2001.

During previous review periods, the following proposals were approved by the IMT and DOJ:

The supervisor shall inform the communications center whether they have granted or denied the member's request to conduct a consent search. After being advised of the member's intent to conduct a non-consensual search, a supervisor shall proceed to the scene whenever operationally feasible.

All enlisted personnel were given additional annual in-service training on search and seizure, during this review period.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 32

Task: Recording and Reporting of Non-Consensual Searches

Decree ¶32

Decree Language:

“32. A state trooper shall complete a report whenever, during any motor vehicle stop, the trooper conducts a non-consensual search of a motor vehicle (excluding vehicle searches begun as a consent search). The report shall include the following information:

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

PROGRESS/STATUS SUMMARY

Division of State Police procedures and directives which were in effect before the Consent Decree was entered (on December 30, 1999) required members to complete a report whenever, during a motor vehicle stop, a member conducted a non-consensual search of the motor vehicle. These procedures and directives contained all of the requirements set forth in Task 32, except for written documentation of MVR reporting and the names of all additional members who actively participated in the incident. On December 14, 1999, the Division of State Police adopted the protocols which contain all the requirements set forth in Task 32.

During 2000, members received two phases of in-service training addressing topics including the requirements of Task 32, and the Division of State Police modified equipment to facilitate collection of motor vehicle stop data, including whether a non-

consensual search of the vehicle was conducted and whether any contraband or other property was seized, as referenced in Task 32 and required in Task 29. Members were trained to use this data collection equipment during October of 2000. During this review period, these protocols remained in full effect. All new recruits receive the most updated training in this area.

In the Summer of 2001, members completed Phase V training on the requirements of Task 32. Additionally, Phase VII supervisory training on the requirement to properly document the supervisory review of the substantive requirements of Task 32 commenced on August 21, 2001, and was completed in November 2001.

During prior review periods, the following proposal was approved by the IMT and DOJ:

Members shall notify a supervisor, using the State Police radio, prior to requesting non-consensual search of a motor vehicle and shall not conduct a non-consensual search unless approval has been granted by the supervisor. The supervisor shall inform the communications center whether they have granted or denied the member's request to conduct a search. After being advised of the member's intent to conduct a non-consensual search, a supervisor shall proceed to the scene whenever operationally feasible.

All enlisted personnel were given additional annual in-service training on search and seizure, during this review period.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 33

Task: Recording and Reporting Deployment of Drug Detection Canines

Decree ¶33

Decree Language:

“33. A state trooper shall complete a report whenever, during a motor vehicle stop, a drug-detection canine is deployed. The report shall include the following information:

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

PROGRESS/STATUS SUMMARY

Division of State Police Canine Unit practices, which were in effect before the Consent Decree was entered (on December 30, 1999) included the completion of a report whenever, during the course of a member’s motor vehicle stop, a State Police canine is deployed. This report contained the information outlined in Task 33, except for written documentation of MVR recording and the names of all additional members who participated in the deployment. On December 14, 1999, the Division of State Police adopted a protocol which requires the collection of all data set forth in Task 33.

During 2000, members received two phases of in-service training addressing topics including the requirements of Task 33. The Division of State Police modified equipment to facilitate collection of motor vehicle stop data, including whether a drug-

detection canine was deployed, whether an alert occurred and whether any contraband or other property was seized, as referenced in Task 33 and required in Task 29. Members were trained to use this data collection equipment during October of 2000. During this review period, these protocols remained in full effect. All new recruits receive training in this area.

In the Summer of 2001, members completed Phase V training on the requirements of Task 33. Additionally, Phase VII supervisory training on the requirement to properly document the supervisory review of the substantive requirements of Task 33 commenced on August 21, 2001, and was completed in November 2001.

All enlisted personnel were given additional annual in-service training on search and seizure, during this review period.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 34A

Task: Use and Installation of Mobile Video Recorder (MVR).

Decree ¶34(a)

Decree Language:

“34a. The State Police shall continue to operate all patrol vehicles engaged in law enforcement activities on the New Jersey Turnpike and the Atlantic City Expressway with MVR equipment. The State shall continue with its plans to install MVR equipment in all vehicles, both marked and unmarked, used for patrols on all other limited access highways in New Jersey (including interstate highways and the Garden State Parkway), and shall complete this installation within 12 months.”

PROGRESS/STATUS SUMMARY

The Division of State Police marked patrol vehicles on the New Jersey Turnpike and the Atlantic City Expressway have been using mobile video recording devices since December 7, 1998, and March 26, 1999, respectively.

Currently, marked and unmarked patrol vehicles operating on limited access highways are equipped with MVR units, with the exception of several units utilized by members of the Marine Stations whose duty is policing in a marine environment.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 34B-C

Task: MVR Training, Maintenance, and Use

Decree ¶34(b-c)

Decree Language:

“34b. The State shall continue to implement procedures that provide that all state troopers operating a vehicle with MVR equipment may operate that vehicle only if they first are trained on the manner in which the MVR equipment shall be tested, maintained, and used. The State shall ensure that all MVR equipment is regularly inspected, maintained, and repaired.

34c. Except when MVR equipment unforeseeably does not function, all motor vehicle stops conducted by State Police vehicles with MVR equipment shall be recorded by these vehicles, using both the video and audio MVR functions. The recording shall begin no later than when a trooper first signals the vehicle to stop or arrives at the scene of an ongoing motor vehicle stop begun by another law enforcement trooper; and the recording shall continue until the motor vehicle stop is completed and the stopped vehicle departs, or until the trooper’s participation in the motor vehicle stop ends (the recording shall include requests for consent to search a vehicle, deployments of drug-detection canines, and vehicle searches). If a trooper operating a vehicle with MVR equipment actively participates in a motor vehicle stop and is aware that the motor vehicle stop was not recorded using the MVR equipment, the trooper shall notify the communications center of the reason the stop was not recorded, which the center shall record in a computerized information system.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division of State Police adopted protocols which contain the requirements of Task 34B-C. All members were trained in proper operation of MVR equipment prior to utilizing the equipment. This training included an operational check-off list of procedures a member must perform to properly operate the system. General duty road members are now trained to maintain the systems which are in use. They are trained to adhere to the operational check-off list prior to using this equipment each day. If a system is identified as having a malfunction, it is identified in the member’s patrol chart, a report is made, and the malfunction is reported and stored in the CAD System so that proper repair may be made in a timely fashion. A periodic (monthly) inspection is made of the MVR systems being utilized at each station. The purpose of this inspection is to systematically test each system to ensure that it is

functioning properly. If a system has a failure or mechanical problem, a report is generated to list the nature of the failure and appropriate corrective measures are taken.

Division of State Police members are using MVR equipment in accordance with the requirements of the task.

During 2000, the use of MVR equipment was addressed in Phase I and Phase II training and the protocols outlined above were implemented.

MVR protocols: (1) requiring members to activate the audio and video component of the MVR before the stop is called-in; (2) requiring that at least one random supervisory review of a MVR include a law enforcement procedure; and (3) requiring that all supervisory MVR reviews be completed on a standardized form according to standardized instructions remained in effect during the review period. These modifications were approved by the IMT and the DOJ and became fully effective in November 2001.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 35

Task: Supervisory Review of Search and Drug Detection Canine Reports.

Decree ¶35

Decree Language:

“35. The reporting trooper’s supervisor shall review each report prepared pursuant to ¶¶31-33 within 14 days of the precipitating incident and, as appropriate, in conjunction with that review, may view any associated MVR tape.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division of State Police adopted protocols containing all of the requirements set forth in Task 35. These protocols and subsequent directives require supervisors to provide initial review of these reports within 14 days of a precipitating incident, and a final review within 30 days of such incident.

During 2000, members received two phases of in-service training addressing topics including these report filing requirements and the Division of State Police modified equipment, to facilitate collection of motor vehicle stop data, including whether the activities referenced in Tasks 31-33 and 35 occurred, as required in Task 29. Members were trained to use this data collection equipment during October of 2000.

The State commenced Phase VII training, which included these new requirements, on August 21, 2001, and was completed in November 2001.

During this review period, Division of State Police supervisors continued conducting the reviews as required by the protocols above as described and as required by Task 35.

During this review period, as noted in Task 34B-C, the Division of State Police continue the use of protocols that require at least one random supervisory review of an MVR per trooper per month including a law enforcement procedure (frisk, search (consensual or non-consensual), arrest, seizure, drug dog deployment, requesting an occupant to exit the vehicle, and use of force). Further, all supervisory MVR reviews are now completed on a standardized form according to standardized instructions. These protocol modifications were approved by the IMT and the DOJ and became fully effective during November 2001.

The MAPPS application was implemented throughout Field Operations on January 1, 2004. Training of all Field Operations supervisors was completed at the end of October 2003. As a result of the training, and the implementation, supervisors now have the ability to conduct MVR reviews and issue Performance Notices and Interventions in the MAPPS application.

In addition, the Management Review component of the MVR Module has been completed and implemented. Therefore, reviews can now be conducted of those initial reviews as conducted by squad level supervisors. With this implementation, a two tiered review process is complete.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 36

Task: Written Protocol for Random Review of MVR Tapes.

Decree ¶36

Decree Language:

“36. The State shall adopt a protocol requiring that State Police supervisors review MVR tapes of motor vehicle stops on a random basis. The protocol shall establish the schedule for conducting random reviews and shall specify whether and in what manner the personnel conducting the review shall prepare a written report on each randomized review of an MVR tape. Prior to implementation, the protocol shall be approved by the United States and the Independent Monitor.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division of State Police adopted a protocol requiring supervisors to review MVR tapes of motor vehicle stops on a random basis. These protocols complied with the requirements of Task 36 except for specificity and standardization of report content. During 2000, supervisors were directed to review MVR tapes in accordance with the December 14, 1999 protocol, and supervisors commenced these reviews.

During a prior review period, the Division of State Police revised its protocols: (1) to require members to activate the audio components of a Mobile Video Recorder (“MVR”) before the stop is called in to the communications center; (2) to require at least one random supervisory review of a MVR including a law enforcement procedure; and (3) to require that all supervisory MVR reviews be completed on a standardized form according to standardized instructions. More specifically, pursuant to this Supervisory MVR Review Procedure, each quarter a supervisor must review, at a minimum, two randomly selected incidents per trooper per month in order to complete the quarterly performance appraisal. One of the incidents for random selection must be an enumerated law enforcement procedure (frisk, consensual or non-consensual search, arrest, seizure, drug dog deployment, requesting an occupant to exit the vehicle, and use of force). An automated selection system enables a supervisor to obtain randomly selected incidents based on a unique number assigned to all interactions between a member and a motorist. All members with the responsibility to conduct MVR reviews are now utilizing this system, which requires a supervisor to review the incident that was produced by the automated selection system.

This Supervisory MVR Review Procedure also mandates that supervisors reviewing incidents for members under their command utilize a standardized form requiring them to assess conduct of enumerated law enforcement procedures for compliance with applicable legal standards. In addition, a supervisor must assess conduct for compliance with the procedures for member safety; radio usage; use of Mobile Video Recorder equipment; and reception and processing of civilian complaints.

These protocol modifications were approved by the IMT and the DOJ and became fully effective in November 2001. The State commenced Phase VII training on August 21, 2001, which included these new requirements, and which was completed in November 2001.

The Field Operations Section continues to train its supervisors to detect and document deficient performance. Additional supervisory MAPPS and MVR Review training will be conducted throughout the Spring of 2004. This training will also be focusing on search and seizure issues.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 37

Task: Supervisory Referral

Decree ¶37

Decree Language:

“37. After conducting a review pursuant to ¶35, ¶36, or a special MVR review schedule, the personnel conducting the review shall refer for investigation by the Professional Standards Bureau (“PSB”) any incident where this review reasonably indicates a possible violation of the provisions of this Decree and the protocols listed in ¶29 concerning search or seizure procedures, nondiscrimination requirements, and MVR use requirements, or the provisions of the Decree concerning civilian complaint procedures. Subsequent investigation shall be conducted by either the PSB or the Office of the Attorney General (“OAG”) as determined by the State. Appropriate personnel shall evaluate all incidents reviewed to determine the need to implement any intervention for the involved trooper.”

PROGRESS/STATUS SUMMARY

During a prior review period, as noted in Task 36, the State developed, trained, and implemented a standard procedure for supervisory review of MVR tapes, and associated reports in accordance with the requirements of Task 37. This procedure includes a provision for referral of possible violations of the Decree to the Office of Professional Standards (“OPS”) after the completion of an MVR review. The procedure also requires a supervisor to recommend an appropriate course of action when a potential performance or misconduct problem is found, which may include an OPS referral or a non-disciplinary intervention, based on a review and an analysis of the conduct recorded on MVR tapes.

During prior review periods, these protocol modifications were approved by the IMT and the DOJ and became effective during November 2001. The State commenced Phase VII training on August 21, 2001, which included these new requirements, and which was completed in November 2001.

OPS personnel indicate that they receive supervisory referrals of MVR Review, and OAG, through its auditing procedures, and confirm that supervisors are properly referring cases to OPS as required by Task 37.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 38

Task: Periodic Reviews of Referral Decisions

Decree ¶38

Decree Language:

“38. The State Police and the OAG shall conduct periodic reviews of referral decisions pursuant to ¶37 to ensure appropriate referrals are being made. State Police personnel shall be held accountable for their referral decisions.”

PROGRESS/STATUS SUMMARY

During a prior review period, the State developed a supervisory MVR Review Procedure satisfying the requirements of Task 38. This procedure contains a provision for referral of possible violations of the Decree to OPS after the completion of an MVR review. The procedure also requires a supervisor to recommend an appropriate course of action when a potential performance or misconduct problem is found, which may include an OPS referral or a non-disciplinary intervention, based on a review and an analysis of the conduct recorded on MVR tapes.

During a prior review period, these protocol modifications were approved by the IMT and the DOJ and became effective November 2001. The State commenced Phase VII training on August 21, 2001, which included these new requirements, and was completed in November 2001.

During the Ninth Monitoring Period, the Field Operations Section completed training for all supervisory personnel which included a discussion of the requirement to copy the Office of State Police Affairs on any referrals to OPS by supervisory personnel.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 39

Task: Supervisory Activity on Limited Access Highways.

Decree ¶39

Decree Language:

“39. The State Police shall require supervisors of patrol squads that exclusively, or almost exclusively, engage in patrols on limited access highways to conduct supervisory activities in the field on a routine basis.”

PROGRESS/STATUS SUMMARY

During prior review periods, increased supervisory responsibility in the field resulted in an increase in the number of Sergeants assigned to road duty stations. A Staff Sergeant is now assigned to administrative responsibilities, including the standardized review of MVR tapes. A Patrol Sergeant is now assigned to responsibilities including: (1) supervising the station area and the members assigned to the station; (2) providing backup to any member requiring assistance; (3) responding to and supervising major incidents, traffic jams, and serious accidents; (4) approving/denying all member requests for consent to search vehicles; and (5) when operationally feasible, responding to the location of a motor vehicle stop to supervise and provide guidance to the member in the event that the supervisor, after discussing with the member the factors in support of or against a consensual search of a motor vehicle, determines that a consensual search is warranted.

The State commenced Phase VII training on August 21, 2001, which included the duties of these Sergeants, and was completed in November 2001. Ongoing supervision training continues to highlight the Sergeants' responsibilities as required by Task 39.

Due to occasional staffing shortages Patrol Supervisors at times are required to handle calls or are assigned a patrol area. Notwithstanding these additional responsibilities, the IMT's Ninth Report noted that a supervisor was "on scene" in 21.7 % of the reviewed incidents. This reflected an increase of 9.1% from the Eighth Monitoring Period.

The Field Operations Section is initiating the position of Assistant Patrol Supervisor (A.P.S.). The A.P.S. will be tasked with supervising the squad members on patrol, providing backup to any member requiring assistance, responding to and supervising major incidents, traffic jams, and serious accidents and approving/denying all member requests for consent to search vehicles.

On April 19, 2004, the Field Operations Section started training the first cadre' of Assistant Patrol Supervisors (APS). This training will be conducted through June 2004 and with approximately 120 personnel being trained as an APS.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 40

Task: Development of a Management Awareness and Personnel Performance System

Decree ¶40

Decree Language:

“40. The State shall develop and implement computerized systems for maintaining and retrieving information necessary for the supervision and management of the State Police to promote professionalism and civil rights integrity, to identify and modify potentially problematic behavior, and to promote best practices (hereinafter, the “Management Awareness Program” or “MAP”).¹

PROGRESS/STATUS SUMMARY

During prior review periods, the State made substantial progress in the design, development, and implementation of MAPPS. On January 1, 2004, during this review period, MAPPS was fully implemented Division-wide, including much of what was outlined in The Development and Implementation Plan of the New Jersey State Police’s Management Awareness and Personnel Performance System (MAPPS). The implementation plan was completed and approved by the IMT in the previous review period. The following MAPPS modules (cf. Task 43) are now fully operational and subject to policies developed by the Division and approved by the IMT: Motor Vehicle Stop Module [Tasks 41(a), (b) and 49(a), (b)], Misconduct (formerly Complaints) Module [41 (b) and 49 (b)], Performance Module [41(b), (c), and 49 (b)], Compliments Module [41 (b)], Training Module [41 (c)], Assignments Module [41 (c)], the Notifications and Alerts Module [46, 48, 53], the Intervention History Module [41 (c), 49 (b)], and, the MVR Review Module [41(a)]. The IMT found all required elements for MAPPS during the October site visit.

To accomplish the January 1st implementation, Field Operations supervisory MAPPS training, begun in the previous review period, was completed in October. Supervisory training for non-Field Operations personnel occurred in November and December 2003. All non-supervisory personnel received MAPPS awareness training prior to implementation. To reinforce training after implementation, designated staff from the Staff Inspection Unit and the MAPPS Unit visited specific stations or units to evaluate MAPPS users individually. The visits were informational in nature, and offered assistance to users in navigating MAPPS to accomplish tasks required by MAPPS policies.

¹ This system is now called MAPPS, an acronym for the Management Awareness and Personnel Performance System.

Supervisors will receive refresher training in May, with a focus on MAPPS quarterly reviews, both for appraisals and for targeted reviews of motor vehicle stop data.

OSPA audits of MAPPS during this review period revealed inconsistent application of new stop incident number assignments through the Computer Aided Dispatch (CAD) system. New procedures were implemented to facilitate the collection of information [¶29(a), ¶30(d)] when incidents not initiated as motor vehicle stops necessitate the detention of vehicle passengers (¶20). As a result of the audit, the CAD data for the last two quarters of 2003 were reaggregated for MAPPS. Field Operations issued a memorandum through the Operations Information Center, reminding members of relevant call-in procedures. CAD operators received additional training on their procedures, and certain adjustments to the new incident number programming are planned.

Progress continued during the current review period on developing “risk-management” and analytic capabilities within the MAPPS Unit as outlined in the implementation plan. These capabilities are needed for compliance with Tasks 49-51 and for promoting “best practices” as required in Task 40. The implementation plan outlined certain risk-management “triggers” that have been developed by the software vendor that would be analyzed with the MAPPS Unit. The plan also reserved certain MAPPS review requirements (Tasks 47-51) for analysts who would be assigned to the MAPPS Unit; but, the implementation plan did not fully specify how and when all such responsibilities would be assumed. In the previous reporting period, it was anticipated that formal risk assessments would begin in the first quarter of 2004. While no formal process for risk assessments has yet been completed, there were staff assignments and completed tasks related to both risk management and detailed analysis of motor vehicle stop data, which demonstrate progress in this area.

In November, two civilian analysts were transferred into the Unit, whose MAPPS responsibilities are focused solely on “risk-management” and analytic tasks. In December, through technical assistance of OSPA staff, a draft analytic plan and sample report for Task 50 were completed for review by Division and OSPA.² In January, a “risk-management team” comprised of MAPPS Unit personnel and OSPA, began meeting to draft an implementation strategy for risk management and MAPPS analysis. The draft strategy outlines a comprehensive risk-management process for the Division. The Special Projects Unit, which is currently with the MAPPS Unit in the Quality Assurance Bureau, began regular “Management Accountability Conferences” (MACs) in February. Modeled on New York City’s “comstat” process, the MAC process is one vehicle through which risk-management issues are and will be addressed at the aggregate level when the risk-management component becomes fully operational.

² OSPA’s proposal for the benchmark comparison analysis required by the task was forwarded to the IMT and DOJ as the review period ended. Upon approval of the benchmark comparison analysis, the full draft report will be edited and sent for approval.

On the individual level, front-line supervisors began targeted MAPPS reviews of troopers falling outside of the station norm for number of stops by race or by gender (defined as greater than two standard deviations around the station mean for any race and gender category). These performance reviews began in three troops for the last two quarters of 2003, and for the last quarter of 2004 in the two troops for which MAPPS Coordinators were not assigned until MAPPS was implemented. OSPA assessed the first targeted reviews and the assessments were relayed to the Coordinators and to those responsible for MAPPS refresher training, scheduled in the next review period to coincide with the first 2004 quarterly appraisals that are to incorporate a review of MAPPS information and the first targeted reviews of motor vehicle stop data since full implementation. In addition, through continued auditing of these reviews by OSPA, it is envisioned that MAPPS analysts will also assess the reviews to determine if additional performance issues need to be addressed, either with the identified members or their squads or stations. At the end of the review period, final development of the implementation strategy awaited changes in MAPPS and other Division personnel whose input and approval are required for the plan.

During the next review period, it is anticipated that:

- user issues will continue to require MAPPS Unit time to address; data-quality issues will continue to be addressed with source systems;
- SOP changes will be made as required by changing MAPPS access rights; changes will be sent to the IMT and DOJ for approval; other rights will be reviewed and changed as necessary;
- the implementation strategy for risk management and MAPPS analytic assessment will be completed and sent to the IMT and DOJ for approval;
- at least one senior-level analyst will be hired for MAPPS; some work will begin on reformatting and setting up Task 50 and other routine analytic reports;
- further MAPPS enhancements will come on-line with the beginning of the new fiscal year, allowing supervisors access to a broader range of information about subordinates;
- OSPA will continue auditing MAPPS data and processes, addressing issues with NJSP to make changes as necessary.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 41

Task: Management Awareness and Personnel Performance System Information Components

Decree ¶41

Decree Language:

“41. The MAP shall consist of the following information:

a. all items of information in connection with all motor vehicle stops that are required to be recorded in a written report, form, or log, or reported to the communications center, pursuant to ¶29 and the protocols listed in ¶29 of this Decree, except that duplicate information need not be entered, and information as to whether the incident was recorded with MVR equipment need not be entered if all patrol cars are equipped with MVR unless a patrol car was equipped with MVR equipment that was not functioning;

b. information on civilian compliments and other indicia of positive performance; information on misconduct investigations; reports on use of force associated with motor vehicle stops; on-duty and off-duty criminal arrests and criminal charges; civil suits involving alleged misconduct by state troopers while on duty; civil suits in which a trooper is named as a party involving off-duty conduct that alleges racial bias, physical violence or threats of violence; and

c. implementation of interventions; and training information including the name of the course, date started, date completed and training location for each member receiving training.”

PROGRESS/STATUS SUMMARY

In the previous reporting period, all MAPPS modules containing the information required by Task 41 were ready for training. On January 1, 2004, during this review period, MAPPS was fully implemented Division-wide. The IMT found all required elements for MAPPS during the October site visit. The Motor Vehicle Stop Module and the MVR Review Module contain the information required by Task 41(a); the Compliments Module, Misconduct Module, and the Performance Module contain the information to fulfill Task 41 (b), with the addition of information on uses of force from the Motor Vehicle Stop Module; and, the Misconduct Module, Performance Module, Intervention History Module, and the Training Module reflect the information needed to fulfill Task 41 (c). The Printed

Reports Module helps to enhance the analysis by the MAPPS Unit of data required by Task 41(a) and (b). Data were not fully available in MAPPS by implementation, but will be in the next review period.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 42

Task: Trooper Access to MAPPS Data

Decree ¶42

Decree Language:

“42. All information in MAP on substantiated misconduct investigations, civilian compliments, and other indicia of positive performance which can be attributed to a specific trooper shall be made available to that trooper on an annual basis upon written request. Nothing in this paragraph shall be construed as granting that trooper access to confidential documents other than those identified in this paragraph, or to any information which cannot be attributed to the trooper requesting the information.”

PROGRESS/STATUS SUMMARY

During previous review periods, the MAPPS misconduct and performance modules, which contain the complaint and misconduct data referenced in Task 42, and the compliments module became fully operational in field operations.

The draft SOP covering MAPPS policy was reviewed and approved by the IMT and DOJ during the previous reporting period. The policy as drafted goes beyond that required in Task 42 and allows access upon request to a supervisor. The IMT and DOJ have agreed with the State’s proposal to limit access to the misconduct module to assistant station commanders and above, which will require the policies to be re-written. The policies will be re-drafted in the next reporting period.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 43

Task: Data Reporting Capacities for MAPPS

Decree ¶43

Decree Language:

“43. Regarding the motor vehicle stop information identified in ¶29 (a)(1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19) and recorded in accordance with the protocols identified in ¶29(a), the MAP shall have the capability to search and retrieve numerical counts and percentages for any combination of the above-referenced information and to run reports for different time periods (e.g., monthly, quarterly, annually) and for individual troopers, squads, and stations. Regarding the motor vehicle stop information identified in ¶29(a)(5A, 8A, 12A, 13A, 14A, 15A, and 17A) and recorded in accordance with the protocols identified in ¶29(a), it will be sufficient that the MAP shall have the capability to access (through cross-referenced paper documents or other method) this descriptive information entered on specific incidents and matters. Regarding the information identified in ¶41(b and c), to the extent technologically feasible, the MAP shall be developed to have the capability to search and retrieve numerical counts and percentages for any combination of the information and to run reports for different time periods and for individual troopers, squads or stations. To the extent that the MAP shall require textual or narrative descriptions of misconduct allegations or other information identified in ¶41(b and c), it will be sufficient that the MAP only have the capability to retrieve this descriptive information.”

PROGRESS/STATUS SUMMARY

During the previous review periods, the State made substantial progress in the design, development, and implementation of MAPPS modules satisfying the data reporting capacities required by Task 43. All policies were approved by the IMT and DOJ in the last review period and revisions coinciding with implementation were completed in this review period. The Motor Vehicle Stop Module facilitates standardized analysis of the motor vehicle stop data referenced in Tasks 29 and 41(a), (b) and (c). The other operational MAPPS modules permit more sophisticated analysis of motor vehicle stop data as required in Tasks 43, 49-51, and track the complaint data as required in Task 41(b). The Intervention History Module [Task 41(c)] was delivered in the previous reporting period, along with the module for on-line MVR Reviews. The IMT found all required elements for MAPPS during the October site visit.

Currently, the Documentation History Module and the MVR Review Module are viewable by member only. In the next reporting period, programming will be completed to permit aggregate views of these modules for units and subunits of the organization. The enhanced analysis through the Printed Reports module will also become available in the next reporting period.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 44

Task: Development and Use of Common Control Numbers

Decree ¶44

Decree Language:

“44. Where information about a single incident is included within the MAP from more than one document the State shall use a common control number or other means to link the information from different sources so that the user can cross-reference the information and perform analyses.”

PROGRESS/STATUS SUMMARY

MAPPS now utilizes the CAD incident number as a common control number as required by Task 44.

During the previous review period, the IA Pro System in OPS was expanded to allow the CAD incident number to be entered.

OSPA audits of MAPPS during this review period revealed inconsistent application of new stop incident number assignments through the Computer Aided Dispatch (CAD) system. New procedures were implemented to facilitate the collection of information [¶29(a), ¶30(d)] when incidents not initiated as motor vehicle stops necessitate the detention of vehicle passengers (¶20). As a result of the audit, the CAD data for the last two quarters of 2003 were reaggregated for MAPPS. Field Operations issued a memorandum through the Operations Information Center, reminding members of relevant call-in procedures. CAD operators received additional training on their procedures, and certain adjustments to the new incident number programming are planned. These procedures will continue to be monitored in the next review period.

During the next reporting period, programming will be completed to allow ad hoc queries of all modules for a specific CAD incident number.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 45

Task: MAPPS Data Quality

Decree ¶45

Decree Language:

“45. The State shall ensure that information is included within the MAP in an accurate and timely fashion and is maintained in a secure manner.”

PROGRESS/STATUS SUMMARY

OSPA and the Division of State Police continue to conduct, audits of the Motor Vehicle Stop module to ensure that the data feeder systems to MAPPS transfer data in an accurate and timely fashion.

MAPPS security is addressed through the use of a password for each MAPPS user. Access to data is governed by rank and role with MAPPS administrators having the ability to make a “badge-to-badge” exception to extend access. Viewing privileges will be monitored and adjusted to maintain the security of the information in MAPPS.

OSPA audits of MAPPS during this review period revealed inconsistent application of new stop incident number assignments through the Computer Aided Dispatch (CAD) system (cf. ¶44). New procedures were implemented to facilitate the collection of information [¶29(a), ¶30(d)] when incidents not initiated as motor vehicle stops necessitate the detention of vehicle passengers (¶20). As a result of the audit, the CAD data for the last two quarters of 2003 were reaggregated for MAPPS. Field Operations issued a memorandum through the Operations Information Center, reminding members of relevant call-in procedures. CAD operators received additional training on their procedures, and certain adjustments to the new incident number programming are planned.

With MAPPS implementation in January 2004, system support and management issues required immediate attention by MAPPS Unit staff and the MAPPS software vendor. Access issues based on Human Resources’ hierarchy of the organization (the basis of access to MAPPS information, cf. Task 45) continue to arise because of problems keeping the hierarchy current and when by “role” certain members require access to MAPPS information not consistent with rank and reporting hierarchy. In addition, the system needed to respond to Field Operations policies aimed at increasing compliance with Field Operations Consent Decree tasks that changed the envisioned policies for MAPPS use. Among the revised policies was an increase in MVR reviews and who would do them.

Because the reviews are now done in MAPPS, additional access rights to the module had to be granted, requiring additional programming by the software vendor.

Currently, the outcome of stop information from CAD in the Motor Vehicle Stop Module is aggregated at the same time as the post-stop interaction information from the Motor Vehicle Stop Report in the Record Management System (RMS), which delays transfer of both sets of information into MAPPS until the stop report is approved. During the next reporting period, these aggregation processes will be separated, allowing more timely access to information on summonses and warnings issued during a motor vehicle stop. In addition, incidents requiring motor vehicle stop reports will be made available for MVR review immediately upon the incident being logged into RMS.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 46

Task: Develop Design Plan for MAPPS

Decree ¶46

Decree Language:

“46. Within one hundred and eighty (180) days following entry of this Decree, the State shall develop a plan for designing and implementing the MAP including the use of the MAP, a timetable for implementation, and a specification of the information contained in State records pre-dating the implementation of the MAP that can reasonably be incorporated in the MAP. Prior to effectuating the implementation plan, the plan shall be approved by the United States and the Independent Monitor. Within 180 days following the entry of this Decree, the State shall begin conducting the supervisory and management reviews required by ¶¶48-53.”

PROGRESS/STATUS SUMMARY

During prior review periods, based on the comments of the IMT and DOJ, and the experience in the beta stations, OSPA and the Division of State Police continued to revise a final plan for implementation.

On January 1, 2004, during this review period, MAPPS was fully implemented Division-wide, including much of what was outlined in The Development and Implementation Plan of the New Jersey State Police’s Management Awareness and Personnel Performance System (MAPPS). The plan was completed and approved by the IMT in the previous review period. The following MAPPS modules (cf. Task 43) are now fully operational and subject to policies developed by the Division and approved by the IMT: Motor Vehicle Stop Module [Tasks 41(a), (b) and 49(a), (b)], Misconduct (formerly Complaints) Module [41 (b) and 49 (b)], Performance Module [41(b), (c), and 49 (b)], Compliments Module [41 (b)], Training Module [41 (c)], Assignments Module [41 (c)], the Notifications and Alerts Module [46, 48, 53], the Intervention History Module [41 (c), 49 (b)], and, the MVR Review Module [41(a)]. The IMT found all required elements for MAPPS during the October site visit.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 47

Task: Written Protocol for Supervisory and Management Reviews.

Decree ¶47

Decree Language:

“47. Consistent with the requirements of ¶¶48-53 *infra*, the State shall develop a protocol specifying the manner in which supervisory and management reviews of individual state troopers, and State Police units and sub-units (*e.g.*, troops, stations, and squads), shall be conducted, and the frequency of such reviews. Prior to implementation, the protocol shall be approved by the United States and the Independent Monitor.”

PROGRESS/STATUS SUMMARY

During prior review periods, the IMT and the DOJ reviewed the State’s draft protocols addressing the requirements of Task 47. Supervisors in the first two beta sites received MAPPS training on these protocols during the third quarter of 2002. More recent beta site training used modified protocols. During prior review periods, based on the comments by the IMT and the DOJ, and on the experience with draft protocols in the beta sites, OSPA and the Division of State Police revised protocols to develop a policy based on computer-generated performance cues, which would trigger quarterly motor vehicle stop reviews by front line supervisors. Performance cues (not limited to motor vehicle stops) have been developed to trigger reviews at other management levels as well.

During the previous review period, prior to the initiation of training, IMT and DOJ received revised protocols for SOP C11 and the annexes covering review policies for the completed MAPPS modules (*cf.* Task 43). On January 1, 2004, during this review period, MAPPS was fully implemented Division-wide, including much of what was outlined in The Development and Implementation Plan of the New Jersey State Police’s Management Awareness and Personnel Performance System (MAPPS), which was completed and approved by the IMT in the previous review period. The following MAPPS modules (*cf.* Task 43) are now fully operational and subject to policies developed by the Division and now approved by the IMT: Motor Vehicle Stop Module [Tasks 41(a), (b) and 49(a), (b)], Misconduct (formerly Complaints) Module [41 (b) and 49 (b)], Performance Module [41(b), (c), and 49 (b)], Compliments Module [41 (b)], Training Module [41 (c)], Assignments Module [41 (c)], the Notifications and Alerts Module [46, 48, 53], the Intervention History Module [41 (c), 49 (b)], and, the MVR Review Module [41(a)]. The IMT found all required elements for MAPPS during the October site visit.

The implementation plan reserved certain MAPPS review requirements (Tasks 48-51) for analysts who would be assigned to the MAPPS Unit; but, the implementation plan did not fully specify how and when all such responsibilities would be assumed. In the previous reporting period, it was anticipated that formal risk assessments would begin in the first quarter of 2004. While no formal process for risk assessments has yet been completed, there were staff assignments and completed tasks related to both risk management and detailed analysis of motor vehicle stop data, which demonstrate progress in this area.

Front-line supervisors began targeted MAPPS reviews of troopers falling outside of the station norm for number of stops by race or by gender (defined as greater than two standard deviations around the station mean for any race and gender category). These performance reviews began in three troops for the last two quarters of 2003, and for the last quarter of 2004 in the two troops for which MAPPS Coordinators were not assigned until MAPPS was implemented. OSPA assessed the first targeted reviews and the assessments were relayed to the Coordinators and to those responsible for MAPPS refresher training, scheduled in the next review period to coincide with the first 2004 quarterly appraisals that are to incorporate a review of MAPPS information and the first targeted reviews of motor vehicle stop data since full implementation. In addition to continued auditing of these reviews by OSPA, it is envisioned that the risk-management analysts will also assess the reviews to determine if additional performance issues need to be addressed, either with the identified members or their squads or stations. Longer term assessments may point to additional “triggers” for “risk” interventions Division-wide.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 48

Task: Quarterly Reviews Using MAPPS

Decree ¶48

Decree Language:

“48. At least quarterly, State Police supervisors shall conduct reviews and analyses of data obtained from the MAP and other appropriate sources to ensure that individual troopers and State Police units and subunits are performing their duties in accord with the provisions of this Decree and associated protocols.”

PROGRESS/STATUS SUMMARY

During prior review periods, the IMT and the DOJ reviewed the State’s draft protocols addressing the requirements of Task 47. Supervisors in the first two beta sites received MAPPS training on these protocols during the third quarter of 2002. More recent beta site training used modified protocols. Based on the comments by the IMT and the DOJ, and on the experience with draft protocols in the beta sites, review protocols have been revised to develop policy based on computer-generated performance cues, which would trigger quarterly motor vehicle stop reviews by front line supervisors. Performance cues (not limited to motor vehicle stops) have been developed to trigger reviews at other management levels as well.

On January 1, 2004, during this review period, MAPPS was fully implemented Division-wide, including much of what was outlined in The Development and Implementation Plan of the New Jersey State Police’s Management Awareness and Personnel Performance System (MAPPS), which was completed and approved by the IMT in the previous review period. The following MAPPS modules (cf. Task 43) are now fully operational and subject to policies developed by the Division and now approved by the IMT: Motor Vehicle Stop Module [Tasks 41(a), (b) and 49(a), (b)], Misconduct (formerly Complaints) Module [41 (b) and 49 (b)], Performance Module [41(b), (c), and 49 (b)], Compliments Module [41 (b)], Training Module [41 (c)], Assignments Module [41 (c)], the Notifications and Alerts Module [46, 48, 53], the Intervention History Module [41 (c), 49 (b)], and, the MVR Review Module [41(a)]. The IMT found all required elements for MAPPS during the October site visit. IMT and DOJ have agreed with the State’s proposal to limit access to the misconduct module to assistant station commanders and above, which will require the policies to be re-written. The policies will be re-drafted in the next reporting period.

The implementation plan reserved certain MAPPS review requirements (Tasks 47-51) for analysts who would be assigned to the MAPPS Unit; but, the implementation plan did not fully specify how and when all such responsibilities would be assumed. In the previous reporting period, it was anticipated that formal risk assessments would begin in the first quarter of 2004. While no formal process for risk assessments has yet been completed, there were staff assignments and completed tasks related to both risk management and detailed analysis of motor vehicle stop data, which demonstrate progress in this area.

On the individual level, front-line supervisors began targeted MAPPS reviews of troopers falling outside of the station norm for number of stops by race or by gender (defined as greater than two standard deviations around the station mean for any race and gender category). These performance reviews began in three troops for the last two quarters of 2003, and for the last quarter of 2004 in the two troops for which MAPPS Coordinators were not assigned until MAPPS was implemented. OSPA assessed the first targeted reviews and the assessments were relayed to the Coordinators and to those responsible for MAPPS refresher training, scheduled in the next review period to coincide with the first 2004 quarterly appraisals that are to incorporate a review of MAPPS information and the first targeted reviews of motor vehicle stop data since full implementation. In addition to continued auditing of these reviews by OSPA, it is envisioned that MAPPS risk-management analysts will also assess the reviews to determine if additional performance issues need to be addressed, either with the identified members or their squads or stations. Longer term assessments may point to additional “triggers” for “risk” interventions Division-wide.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 49

Task: Preparation of MAPPS Reports

Decree ¶49

Decree Language:

“49. To the extent reflected in ¶43, reports of MAP data shall regularly be prepared regarding individual troopers, stations and squads, for use in reviews as appropriate. The reports shall include the following information:

a. the number of motor vehicle stops, by race/ethnicity, reason for the stop (i.e., moving violation, non moving violation, other), road, squad, and trooper station; and the number of enforcement actions and procedures taken in connection with or during the course of a motor vehicle stop, by race/ethnicity, reason for the stop (i.e., moving violation, non- moving violation, other), road, squad and trooper station;

b. data (including racial/ethnic data) on complaints, misconduct investigations (for each type of investigation, as delineated in ¶73), discipline, intervention, and uses of force associated with motor vehicle stops.”

PROGRESS/STATUS SUMMARY

Currently, MAPPS facilitates the analysis described in Task 49(a) and Task 49(b). During this review period the State continues to finalize the organizational configuration in NJSP for handling the enhanced, comparative analysis of motor vehicle stop data as required in Tasks 49-51. OSPA staff began to work directly with NJSP in the previous reporting period to outline the requirements of these tasks, and formulate a preliminary strategy of analysis using the “Printed Reports Module,” in an effort to expedite compliance.

Specifically, progress continued during the current review period on developing “risk-management” and analytic capabilities within the MAPPS Unit as outlined in the implementation plan. The implementation plan outlined certain risk-management “triggers” that have been developed by the software vendor that would be analyzed with the MAPPS Unit. The plan also reserved certain MAPPS review requirements (Tasks 47-51) for analysts who would be assigned to the MAPPS Unit; but, the implementation plan did not fully specify how and when all such responsibilities would be assumed. In the previous reporting period, it was anticipated that formal risk assessments would begin

in the first quarter of 2004. While no formal process for risk assessments has yet been completed, there were staff assignments and completed tasks related to both risk management and detailed analysis of motor vehicle stop data, which demonstrate progress in this area. In November, two civilian analysts were transferred into the Unit, whose MAPPS responsibilities are focused solely on “risk-management” and analytic tasks. In December, through technical assistance of OSPA staff, a draft analytic plan and sample report for Task 50 were completed for review by Division and OSPA. This report also contains analysis relevant to Task 49(a). At the end of the review period, final development of the implementation strategy awaited changes in MAPPS and other Division personnel whose input and approval are required for the plan. Continued analysis of the data also requires final data transfers into the Printed Reports Module, anticipated in the next reporting period. The analyses required for Task 49 will be enhanced by the completion of unit and subunit views of the MVR Module and of the Intervention Module anticipated in the next reporting period.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 50

Task: MAPPS Motor Vehicle Stop Data Comparisons

Decree ¶50

Decree Language:

“50. To the extent reflected in ¶43, analyses of MAP data concerning motor vehicle stops shall include a comparison of racial/ethnic percentages of motor vehicle stops (by reason for the stop (i.e., moving violation, non moving violation, other)) and racial/ethnic percentages of enforcement actions and procedures taken in connection with or during the course of such stops, with a benchmark racial/ethnic percentage if available (see ¶¶54-55); a comparison of racial/ethnic percentages for such stops with the racial/ethnic percentages for enforcement actions taken in connection with or the during the course of such stops; a comparison of racial/ethnic percentages for consent searches of vehicles, and requests for consent to search vehicles, with “find” rates by race/ethnicity for motor vehicle consent searches; a comparison of racial/ethnic percentages for non-consensual searches of motor vehicles with “find” rates by race/ethnicity for motor vehicle non-consensual searches; evaluations of trends and differences over time; and evaluations of trends and differences between troopers, units, and subunits.”

PROGRESS/STATUS SUMMARY

The Motor Vehicle Stop Module currently facilitates some of the analysis described in Task 50. During this review period the State continues to finalize the organizational configuration in NJSP for handling the enhanced, comparative analysis of motor vehicle stop data as required in Tasks 49-51. OSPA staff began to work directly with NJSP in the previous review period to outline the requirements of this task, and formulate a preliminary strategy of analysis using the “Printed Reports Module,” in an effort to expedite compliance.

Specifically, progress continued during the current review period on developing “risk-management” and analytic capabilities within the MAPPS Unit as outlined in the implementation plan. The implementation plan outlined certain risk-management “triggers” that have been developed by the software vendor that would be analyzed with the MAPPS Unit. The plan also reserved certain MAPPS review requirements (Tasks 47-51) for analysts who would be assigned to the MAPPS Unit; but, the implementation plan did not fully specify how and when all such responsibilities would be assumed. In the previous reporting period, it was anticipated that formal risk assessments would begin

in the first quarter of 2004. While no formal process for risk assessments has yet been completed, there were staff assignments and completed tasks related to both risk management and detailed analysis of motor vehicle stop data, which demonstrate progress in this area. In November, two civilian analysts were transferred into the Unit, whose MAPPS responsibilities are focused solely on “risk-management” and analytic tasks. In December, through technical assistance of OSPA staff, a draft analytic plan and sample report for Task 50 were completed for review by Division and OSPA.³ This report also contains analysis relevant to Task 49(a). At the end of the review period, final development of the implementation strategy awaited changes in MAPPS and other Division personnel whose input and approval are required for the plan. Continued analysis of the data also requires final data transfers into the Printed Reports Module, anticipated in the next reporting period.

³ OSPA’s proposal for the benchmark comparison analysis required by the task was forwarded to the IMT and DOJ as the review period ended. Upon approval of the benchmark comparison analysis, the full draft report will be edited and sent for approval.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 51

Task: Evaluations of Trends Using MAPPS Data

Decree ¶51

Decree Language:

“51. To the extent reflected in ¶43, analyses of other data generated by the MAP shall include evaluations of trends and differences over time and evaluations of trends and differences between troopers, units, and subunits.”

PROGRESS/STATUS SUMMARY

MAPPS currently facilitates the trend analysis required by Task 51. During this review period the State continued to finalize the organizational configuration in NJSP for handling the enhanced, comparative analysis of motor vehicle stop data as required in Tasks 49-51. OSPA staff began to work directly with NJSP in the previous review period to outline the requirements of these tasks, and formulate a preliminary strategy of analysis using the “Printed Reports Module,” in an effort to expedite compliance.

Specifically, progress continued during the current review period on developing “risk-management” and analytic capabilities within the MAPPS Unit as outlined in the implementation plan. These capabilities are needed for compliance with Tasks 49-51 and for promoting “best practices” as required in Task 40. The implementation plan outlined certain risk-management “triggers” that have been developed by the software vendor that would be analyzed with the MAPPS Unit. The plan also reserved certain MAPPS review requirements (Tasks 47-51) for analysts who would be assigned to the MAPPS Unit; but, the implementation plan did not fully specify how and when all such responsibilities would be assumed. In the previous reporting period, it was anticipated that formal risk assessments would begin in the first quarter of 2004. While no formal process for risk assessments and trend analysis has yet been completed, there were staff assignments and completed tasks related to both risk management and detailed analysis of motor vehicle stop data, which demonstrate progress in this area.

In November, two civilian analysts were transferred into the Unit, whose MAPPS responsibilities are focused solely on “risk-management” and analytic tasks. In December, through technical assistance of OSPA staff, a draft analytic plan and sample report for Task 50 were completed for review by Division and OSPA. In January, a “risk-management team” comprised of MAPPS Unit personnel and OSPA, began meeting to draft an implementation strategy for risk management and MAPPS analysis. The draft strategy outlines a comprehensive risk-management process for the Division. The Special

Projects Unit, which is currently with the MAPPS Unit in the Quality Assurance Bureau, began regular “Management Accountability Conferences” (MACs) in February. Modeled on New York City’s “comstat” process, the MAC process is one vehicle through which risk-management issues are and will be addressed at the aggregate level when the risk-management component becomes fully operational.

On the individual level, front-line supervisors began targeted MAPPS reviews of troopers falling outside of the station norm for number of stops by race or by gender (defined as greater than two standard deviations around the station mean for any race and gender category). These performance reviews began in three troops for the last two quarters of 2003, and for the last quarter of 2004 in the two troops for which MAPPS Coordinators were not assigned until MAPPS was implemented. OSPA assessed the first targeted reviews and the assessments were relayed to the Coordinators and to those responsible for MAPPS refresher training, scheduled in the next review period to coincide with the first 2004 quarterly appraisals that are to incorporate a review of MAPPS information and the first targeted reviews of motor vehicle stop data since full implementation. In addition to continued auditing of these reviews by OSPA, it is envisioned that the risk-management analysts will also assess the reviews to determine if additional performance issues need to be addressed, either with the identified members or their squads or stations. Longer term assessments may point to additional “triggers” for “risk” interventions Division-wide. At the end of the review period, final development of the implementation strategy awaited changes in MAPPS and other Division personnel whose input and approval are required for the plan. Analyses will be enhanced with the final data transfer into the Printed Reports module.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 52

Task: Supervisors to Implement Appropriate Remedial Measures

Decree ¶52

Decree Language:

“52. Each supervisor shall, consistent with his or her authority, implement any appropriate changes or remedial measures regarding traffic enforcement criteria, training, and enforcement practices for particular units or subunits or implement any appropriate intervention for particular troopers; conduct any necessary additional assessment or investigation regarding particular units or subunits or particular troopers; and/or make any appropriate recommendations.”

PROGRESS/STATUS SUMMARY

During prior review periods, the IMT and the DOJ reviewed the State’s draft protocols addressing the requirements of Task 52. Based on their comments and work in the Beta Sites revisions to the MAPPS protocols were developed.

During this review period, prior to the initiation of training, IMT and DOJ received revised protocols for SOP C11 and the annexes covering policies for the completed MAPPS modules (cf. Task 43). These draft MAPPS protocols articulate remedial measures. On January 1, 2004, during this review period, MAPPS was fully implemented Division-wide. The following MAPPS modules (cf. Task 43) are now fully operational and subject to policies developed by the Division and approved by the IMT: Motor Vehicle Stop Module [Tasks 41(a), (b) and 49(a), (b)], Misconduct (formerly Complaints) Module [41 (b) and 49 (b)], Performance Module [41(b), (c), and 49 (b)], Compliments Module [41 (b)], Training Module [41 (c)], Assignments Module [41 (c)], the Notifications and Alerts Module [46, 48, 53], the Intervention History Module [41 (c), 49 (b)], and, the MVR Review Module [41(a)]. All interventions taken as a result of MVR reviews are now recorded in MAPPS. Front-line supervisors began targeted MAPPS reviews of troopers falling outside of the station norm for number of stops by race or by gender (defined as greater than two standard deviations around the station mean for any race and gender category). These performance reviews began in three troops for the last two quarters of 2003, and for the last quarter of 2004 in the two troops for which MAPPS Coordinators were not assigned until MAPPS was implemented.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 53

Task: Supervisory Review of Troopers with More than two Misconduct Investigations in Two Years

Decree ¶53

Decree Language:

“53. A supervisory review shall be conducted regarding any state trooper who within a period of two years, is the subject of three misconduct investigations of any kind initiated pursuant to ¶73. Where appropriate, the review may result in intervention being taken. In the event the supervisory review results in intervention, the supervisor shall document the nature, frequency, and duration of the intervention.”

PROGRESS/STATUS SUMMARY

During a prior review period, the Division of State Police completed the development of the MAPPS module that tracks misconduct allegations as required by Task 53.

During previous review period the, Division of State Police, OPS implemented an early warning procedure in which OPS will conduct a review of any member who within a period of two years, is the subject of three misconduct investigations of any kind initiated pursuant to ¶ 73 of this Decree and recommend intervention if warranted.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 54

Task: Survey - New Jersey Turnpike.

Decree ¶54

Decree Language:

“54. To assist in evaluating data reported from the MAP concerning State Police law enforcement on the New Jersey Turnpike, the State shall develop (for purposes of implementing this Decree) a protocol for conducting a survey of a sample of persons and vehicles traveling on the New Jersey Turnpike to determine the racial/ethnic percentage of drivers on the Turnpike. As appropriate, the survey may identify different benchmark figures for different portions of the Turnpike. Prior to implementation, the protocol shall be approved by the Independent Monitor and the United States. The protocol shall be developed and implemented using a consultant jointly selected by the parties. The survey shall be completed within one hundred fifty (150) days of the entry of this Decree. Both the United States and the State agree that the utility and fairness of the MAP described in this Consent Decree will depend to some degree on the development of accurate and reliable benchmarks that account for all appropriate variables and factors.”

PROGRESS/STATUS SUMMARY

In December 2000, the State completed and released the survey referenced in Task 54 to the public.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 57-92

PROGRESS/STATUS SUMMARY

As a result of a Court Order entered by the Honorable Mary L. Cooper, U.S.D.J., on April 6, 2004, dismissing OPS from the Consent Decree, Tasks 57-92 (except 87 and 90), will no longer be reported on in the State's Progress Report which is filed pursuant to the Consent Decree (see Task 122). OSPA will continue with its oversight of OPS and the internal affairs process. However, the State will still file the Semiannual Public Report, pursuant to task 114, which contains information on misconduct investigations. In addition, Division of State Police on an annual basis publishes a report entitled, "New Jersey State Police, Office of Professional Standards, Internal Investigation and Disciplinary Process, Annual Report [Year]. This report (the 2003 version) is in its final development stages and should be published and distributed during the current review period.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 87

Task: State to Attempt to Complete Investigations within 45 Days

Decree ¶87

Decree Language:

“87. The State Police shall continue to attempt to complete misconduct investigations within forty-five (45) days after assignment to an investigator.”

PROGRESS/STATUS SUMMARY

During 2000, the State received clarification from the IMT and the DOJ that the 45 day goal shall be interpreted to require completion of a misconduct investigation within 120 days, with a provision for 60 day extensions under certain circumstances. Also, during prior review periods, the State designed procedures to track misconduct investigations in an attempt to ensure that investigations are completed in a timely fashion.

During prior review periods, the State implemented procedures for classification of members conduct as either performance issues or misconduct issues. These procedures have been approved by the IMT and the DOJ. Not only has this procedure assisted in the proper disposition of certain allegations, but has also assisted in the elimination of the backlog.

During this review period, 215 misconduct cases were opened of which only 24 remain active. OPS continues to operate without a backlog.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 90

Task: Imposition of Appropriate Discipline in consultation with MAPPS

Decree ¶90

Decree Language:

“90. In deciding the appropriate discipline or intervention for each state trooper who is the subject of a “substantiated” adjudication or disposition in a misconduct investigation and each trooper who is to be disciplined pursuant to ¶89, the State shall consider the nature and scope of the misconduct and the information in the MAP. In all instances where the State substantiates a misconduct allegation regarding matters identified in ¶88 or disciplines a trooper pursuant to ¶89, it shall also require that intervention be instituted (except where the discipline is termination). Where a misconduct allegation is not substantiated, the State shall consider the information in the investigation file and in the MAP to determine whether intervention should be instituted.”

PROGRESS/STATUS SUMMARY

Division of State Police Rules and Regulations provide for the discipline of a member who, after a fact-finding process, is determined to have violated Division of State Police Rules and Regulations and written and verbal orders. During prior review periods the State developed and submitted to the IMT and the DOJ, a revised MAPPS protocol which expressly requires consideration of MAPPS data when determining the appropriate discipline in a “substantiated” case. That protocol has been approved by the IMT and the DOJ. In addition, the State revised its procedures to require an appropriate intervention in all instances of substantiated misconduct as outlined in ¶88 or where the State disciplines a member pursuant to ¶89 of the Consent Decree. Furthermore, the revised MAPPS protocol requires consideration of MAPPS data to determine if intervention is appropriate in a case finding of “insufficient evidence.”

During this review period the Intervention Module was posted on the MAPPS. The OPS always reviews the information in IAPro, the feeder system to MAPPS, when determining the appropriate discipline or intervention for each state trooper who is the subject of a “substantiated” adjudication or disposition in a misconduct investigation. In addition, the State takes intervention in all misconduct cases even if the matter is unsubstantiated.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 93

Task: Training Oversight and Evaluation.

Decree ¶93

Decree Language:

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

PROGRESS/STATUS SUMMARY

The Division of State Police Training Academy continues to oversee all training provided to enlisted members. The draft of S.O.P. C-25 had been forwarded to the IMT and DOJ during prior review periods and after receiving approval for S.O.P. C-25 it was fully implemented this review period.

In anticipation of the implementation of S.O.P. C-25, during the prior review period a training session was held at the academy between the heads of the major units within State Police as well as the field training officers and academy staff to explain the procedures under S.O.P. C-25. The intent of S.O.P. C-25 is to establish a policy whereby it is communicated to the members that development and delivery of training is based on the seven step process. The purpose of the order is to delineate the procedures and clearly establish the duties and responsibilities of all the contributors which in turn, will enable the Training Bureau, Division Staff Section, to oversee and ensure the quality of all training.

During prior review periods, a data processing system to track the attendance of personnel at training programs was developed and implemented (hereinafter referred to as ACTS). This allows for an accurate accounting of those members required to attend Division of State Police training programs. As a result, there has been a comprehensive accounting of members and instructors, attendance at training sessions, and the

documentation of test scores. During this review period, the ACTS system was integrated into MAPPS.

During prior review periods, the State implemented a link to the Training Academy through the Division of State Police Intranet Service web page. This Intranet link will constitute another method for State Police members to provide feedback regarding training received and recommendations for future training. During this review period, information regarding the training calendar and training orders was posted.

As the IMT has noted, a computerized training tracking system known as PARScore is now operational and will allow for an analysis and evaluation of test scores. Also, the instructors at the academy as a result of this system can insure that development and delivery of training comply with the Consent Decree requirements. Also, during this review period the instructors at the academy involved with the development of curriculum participated in a one-week program entitled "Return On Investment." The course is designed to assist academy staff to enhance program results, measure the contribution of programs, and calculate the return on the investment of training.

During the prior reporting period, a new Commandant of the academy was selected. The Captain had been previously detached to the Office of State Police Affairs and accordingly imports his knowledge and expertise in Consent Decree issues and interactions with the Independent Monitoring Team, to the academy. Additionally, the State Police completed a staffing needs survey for the Pre-Service and Executive Development Units; the In-Service Unit, the largest instructional component, is currently undergoing their survey. The 133rd & 134th classes graduated October 24, 2003. The 135th and 136th classes started this review period.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 97

Task: Encourage Superior Troopers to Apply for Academy

Decree ¶97

Decree Language:

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

PROGRESS/STATUS SUMMARY

In prior reports the IMT expressed concern about the level of staffing at the Academy to meet the growing demands resulting from the Consent Decree. The State continues to take steps to address these concerns. These include completing a staffing study for the pre-service unit, which resulted in additional troopers having been assigned to the academy, as well as a staffing study for the in-service unit which is currently on-going. As a result of the selection process implemented during the prior review period, there has been an influx of superior troopers assigned to the academy who in turn have assisted in the enhancement of training.

During prior review periods, S.O.P. F12 which addresses the Trooper Coach Program was modified. These modifications ensure quality and uniform selection and consistent management of the Trooper Coach Program.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 98

Task: Formal Eligibility Criteria for Training Personnel

Decree ¶98

Decree Language:

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

PROGRESS/STATUS SUMMARY

During this review period, the State continued to evaluate the former eligibility criteria for pre-service and in-service Academy Instructors as well as trooper coach to further encourage superior members to apply, to further ensure that qualified instructors continue to provide training and to provide for increased flexibility in the selection and assignment of such instructors.

The Division of State Police has required a bachelor’s degree in order to be selected as an instructor at the Academy. Additionally, candidates must have no pending substantial EEO or misconduct investigations. The Training Bureau has established a protocol with EEO and OPS to review a decision to remove a trainer based on an EEO or misconduct case. A new protocol has been established with EEO and OPS to have an alert system to notify the Academy if an allegation is received on a practicing trooper coach.

During prior review periods, S.O.P. F12 which addresses the Trooper Coach Program was modified. These modifications ensure quality and uniform selection and consistent management of the Trooper Coach Program.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 99

Task: Training for Academy Instructors

Decree ¶99

Decree Language:

“99. The State Police shall ensure that all troopers serving as an Academy or post-Academy instructor, or as a trooper coach, receive adequate training to enable them to carry out their duties, including training in adult learning skills, leadership, teaching, and evaluation. All training instructors and trooper coaches shall be required to maintain, and demonstrate on a regular basis, a high level of competence. The State shall document all training instructors’ and trooper coaches’ proficiency and provide additional training to maintain proficiency.”

PROGRESS/STATUS SUMMARY

All Academy trainers are Police Training Commission instructor certified (N.J.A.C. 13:1 et seq.) and have completed the Academy’s 80-hour Instructor Training Course. The latter course includes instruction on teaching techniques and communication skills. Most post-Academy instructors have also completed this course. During this review period, the Academy conducted it’s first Instructor Orientation Course, which included covering topics such as Recruit Mentoring Program, Consent Decree, Action Based Learning, the Seven Step Education Model as well as other relevant topics.

Some of the training provided during this review period includes Return on Investment; Holtz Search and Seizure; Academy Instructor Orientation; Leadership Training; Systems Training in Excel and Access; EMT Training; Victims Rights; and Women in Law Enforcement. All training has been documented in Academy Computerized Training System in accordance with Task 99.

The Academy continues to maintain instructor observation reports, quarterly appraisals, and annual evaluations to document that instructors maintain their pedagogical proficiency. This documentation, as well as documentation relating to trooper coaches, have been audited by the IMT during prior reporting periods, and the State was found to be in compliance.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 100

Task: Training in Cultural Diversity, Communications Skills, Integrity and Ethics

Decree ¶100

Decree Language:

“100. The State Police shall continue to train all recruits and troopers in cultural diversity, which shall include training on interactions with persons from different racial, ethnic, and religious groups, persons of the opposite sex, persons having a different sexual orientation, and persons with disabilities; communication skills; and integrity and ethics, including the duties of truthfulness and reporting misconduct by fellow troopers, the importance of avoiding misconduct, professionalism, and the duty to follow civilian complaint procedures and to cooperate in misconduct investigations. This training shall be reinforced through mandatory annual in-service training covering these topics.”

PROGRESS/STATUS SUMMARY

The Division of State Police continue to provide training on Cultural Awareness and Ethics on an annual basis.

During this review period, the Cultural Awareness Program was given by Rutgers University, Institute on Ethnicity, Culture, and the Modern Experience. Included in the training were discussions regarding, the change of cultural demography, implications of our history on the present with respect to racial and ethnic sensibilities and contemporary concerns and issues of law enforcement in a multi-cultural society. The Ethics training was given by enlisted members from OPS and the academy based on the areas of most concern to the members as well as the number of allegations received in different areas.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 101

Task: Recruit and In-Service Training on Fourth Amendment Requirements

Decree ¶101

Decree Language:

“101. The State Police shall continue to provide recruit and annual in-service training on Fourth Amendment requirements. In addition, the State shall provide training on the non-discrimination requirements of this Decree as part of all Academy and in-service patrol-related and drug-interdiction-related training, including training on conducting motor vehicle stops and searches and seizures. An attorney designated by the Attorney General’s Office shall participate in the development and implementation of this training.”

PROGRESS/STATUS SUMMARY

The Division of State Police continue to work to apply new state-of-the-art training delivery technology to the state-of-the-art content to their motor vehicle stop, arrest, search and seizure curricula. The State developed an interactive training course to teach and reinforce the major legal and policy themes and principals that were taught in Phases V and VII of the In-Service Training Program, which was delivered to all enlisted members during prior review periods.

During this review period, the Division of State Police continues to modify Fourth Amendment Training, in preparation for this year’s annual in-service training, in accordance with legal updates and member needs. An attorney from the Division of Criminal Justice has been assisting with the development of the training. In addition, the Academy obtained the agreement of several county prosecutors’ offices, through the New Jersey Prosecutors’ Association, to provide Assistant Prosecutors experienced in motions to suppress/Fourth, Fifth and Sixth Amendment law, to teach the block on search and seizure. This will be implemented in the next review period.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 102

Task: Training Protocols for the Trooper Coach Program

Decree ¶102

Decree Language:

“102. Before the next recruit class graduates from the State Police Academy, the State Police shall adopt a protocol regarding its trooper coach program. The protocol shall address the criteria and method for selecting trooper coaches, the training provided to trooper coaches to perform their duties, the length of time that probationary troopers spend in the program, the assignment of probationary troopers to trooper coaches, the substance of the training provided by trooper coaches, and the evaluation of probationary trooper performance by trooper coaches. Prior to implementation, the protocol shall be approved by the Independent Monitor and the United States.”

PROGRESS/STATUS SUMMARY

During prior review periods, the State trained an additional 77 (approximate) Patrol and Staff Sergeants as potential trooper coach substitutes pursuant to protocols which had been approved by both the IMT and the DOJ. Also during prior review periods, the State began implementation of the trooper coach program for probationary members who recently graduated from two recruit classes. Moreover, the Academy conducted field audits of 107 trooper coach participants at 12 different stations during October 2001, and 29 trooper coach participants at 11 different stations from January 28 to February 12, 2002; administered surveys to all probationary members and trooper coaches for the 119th through 128th classes; conducted an open forum for all probationary members at the end of the trooper coach training period at which they could express their opinions about the program; and then analyzed the data from the field audits, survey assessments, and open forums to improve the program. Documentation shows that the Academy has carefully gathered, analyzed, and applied feedback about the trooper coach program to improve its effectiveness and efficiency.

During prior review periods, S.O.P. F-12 had been revised to allow for the assignment of one trooper coach per probationary member based on overall manpower needs. This revised procedure promotes consistency among the troops and facilitate the Academy's operational oversight over the trooper coach program. Additional changes include the decision as to who is selected and/or transferred from the troops to The Division Staff Section and the duration of the trooper coach program was extended to twelve instead of ten weeks. In addition to the change described above, a field-training

officer will work as the trooper coach coordinator for the In-Service Unit to closely monitor the recruit and coach program.

During this review period, a new data base was developed to track probationary trooper's daily observance reports, performance comments, phase evaluation reports, probationary trooper checklist, the Primary Trooper Coach's release recommendations, probationary trooper's critiques of Trooper Coach and the Station Coordinator's critiques of Trooper Coaches. It is anticipated this database will be operational during the current review period.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 103

Task: Provision of Copies of the Decree to all State Troopers

Decree ¶103

Decree Language:

“103. The State Police shall as soon as practicable provide copies and explain the terms of this Decree to all state troopers and employees in order to ensure that they understand the requirements of this Decree and the necessity for strict compliance. After the State has adopted new policies and procedures in compliance with this Decree, the State shall provide in-service training to every state trooper regarding the new policies and procedures and the relevant provisions of this Decree. The State shall incorporate training on these policies and procedures into recruit training at the State Police Academy.”

PROGRESS/STATUS SUMMARY

On January 14, 2000, a copy of the Decree was posted on the Division of State Police website. Each member of the Division of State Police personally received a copy of the Consent Decree on or about February 29, 2000. During 2000, members attended the first phase of Consent Decree related in-service training. A copy of the Consent Decree was given to each member attending this training.

During this review period, each recruit in the 133rd and the 134th classes received a copy of the Consent Decree and received detailed instruction on Consent Decree requirements from the Office of State Police Affairs.

During this review period, leadership training, transition training ,and supervision training classes continued to receive updated training on relevant Consent Decree related S.O.P.'s and information on the Eighth and Ninth Monitor's Reports.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 104

Task: Training Referral System

Decree ¶104

Decree Language:

“104. The State shall establish systems for State Police units, sub-units, and supervisors to provide information and refer particular incidents to the Training Bureau to assist the Training Bureau in evaluating the effectiveness of training and to detect the need for new or further training.”

PROGRESS/STATUS SUMMARY

The Academy continues to perform an evaluation and needs assessment of the Consent Decree-related training by conducting surveys at the various stations of members who attended the training and by inviting selected members to participate in focus groups at the Academy to further discuss how such training could be improved. It is anticipated that suggestions offered by members through the surveys and focus groups will be reflected in future training given by the Academy.

During this review period, the instructors at the academy involved with the development of curriculum participated in a one week program entitled, Return On Investment Course (ROI). The course is designed to assist academy staff in increasing its influence in the organization, enhance program results, measure the contribution of programs, and calculate the return on the investment.

The Division of State Police Training Academy continues to oversee all training provided to enlisted members. The draft of S.O.P. C-25 had been forwarded to the IMT and DOJ during prior review periods and after receiving approval for S.O.P. C-25 it was fully implemented this review period.

During the prior review period a training session was held at the academy for the heads of the major units within State Police as well as the Field training officers and academy staff to explain the procedures under S.O.P. C-25. The intent of S.O.P. C-25 is to establish a policy whereby it is communicated to the members that development and delivery of training is based on the seven step process. The purpose of the order is to delineate the procedures and clearly establish the duties and responsibilities of all the contributors which in turn will enable the Training Bureau, Division Staff Section, to oversee and ensure the quality of all training.

In addition, OPS continues to provide the Academy, on a quarterly basis, a report documenting training issues identified during the review of litigation filed against the Division of State Police to assist in identifying field-based practices that may be problematic. Similarly, the Internal Affairs Bureau of OPS, on a quarterly basis, is responsible for reporting to the Academy, training issues identified during misconduct investigations and training recommendations based on interventions resulting from misconduct investigations.

As a result of the monitor's concerns expressed in past reports, a formal Training Committee has been created that continues to meet semi-monthly. It is attended by all the Field Training Officers and Field Training Liaisons. Issues from the field are discussed as well as training needs.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 105

Task: Provision of Training for Supervisors

Decree ¶105

Decree Language:

“105. The State Police shall provide all supervisors with mandatory supervisory and leadership training which (in addition to the subjects addressed in ¶¶100 and 101) shall address effective supervisory techniques to promote police integrity and prevent misconduct. The State Police shall provide the initial training required by this paragraph within one year from entry of the Decree and thereafter shall provide supervisory training on an annual basis.”

PROGRESS/STATUS SUMMARY

During a prior review period, the State completed Phase VII supervisory and leadership training, which addressed supervisory techniques to promote police integrity and prevent misconduct as required by Task 105. The Division of State Police provided a one-day “leadership” training course. The IMT expressed some reservations about the efficacy of a one-day training course. As a result, the Division of State Police provided all supervisory personnel with additional training, which includes patrol-related S.O.P.’s and MVR reviews.

During prior review periods, the Division of State Police has provided a one-day train-the-trainer In-Service training session on “leadership/supervisory issues.” This was instituted for the Regional Trainers. The topics included supervisory issues involving pursuit driving, civil liability and decision-making motivational techniques for supervisors, and techniques on how to address poor performance. Currently, all supervisors are being trained as required by Task 105. Included in this year’s training are Personality Type Indicators, Managing Performance Problems, Civil Liability and Decision Making and Supervisory Issues for Pursuits.

During this review period, the state police continued its annual leadership training. Some of the topics covered included Leadership and Management Types, Intro to a Leader’s Bases of Power, Team Building, and Mentoring/Motivation-Active Listening.

In addition, the State has contracted with Rutgers University Police Institute to provide external executive leadership training for selected Lieutenants and all Captains. A central theme of the instruction will be the management of the relationships between

police and diverse communities. During prior review periods two such classes were completed. An additional class was completed during this review period.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 106

Task: Training for Newly Promoted State Troopers

Decree ¶106

Decree Language:

“106. The State shall design and implement post-Academy training programs for all state troopers who are advancing in rank. The State shall require troopers to successfully complete this training, to the extent practicable, before the start of the promoted trooper’s service in his or her new rank, and in no event later than within six months of the promoted trooper’s service in his or her new rank.”

PROGRESS/STATUS SUMMARY

During prior review periods, in response to IMT concerns, the basic supervisory training was revised from a 52-hour supervisory training to an expanded 80-hour supervisory training, which continues to be delivered to all newly promoted Sergeants and Sergeants First Class. During this review period the State continued training the newly promoted Sergeants with the modified training, which includes blocks of instruction on Community Policing, Computer Statistics, Situational Interaction, Patrol related S.O.P.’s, and MVR reviews. The content and its placement in the training agenda continue to be reviewed and revised based upon observation of classes, critiques, test analyses, and effectiveness of the class exercise and teaching aids.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 107

Task: Provision of Specialized Training

Decree ¶107

Decree Language:

“107. The State shall design and implement post-Academy training programs for all state troopers who are newly assigned to a State Police troop, station, or assignment where specialized training is necessary in order to perform the assigned duties.”

PROGRESS/STATUS SUMMARY

During this review period, the State continued its design of programs to identify those members newly assigned to a troop or station requiring specialized training in accord with Tasks 34(b), 72, 99-102, 105-106. During the prior review period, the Division of State Police completed Terrorism Training.

During the last review period the parties agreed that task 107 applies to members who are returning to work from extended leave or patrol from special assignments. A 40 hour course has been developed entitled “Transitional Training,” which encompasses patrol-related topics as well as Consent Decree related topics and any other training that members received during the time missed.

During this review period, instructors assigned to the Academy received specialized training through the Academy Orientation Course. In addition, training is scheduled for the current review period for Assistant Patrol Supervisor and newly selected Station Commanders.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 108

Task: Inclusion of Training Data in MAPPS Program

Decree ¶108

Decree Language:

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

PROGRESS/STATUS SUMMARY

During prior review periods, the MAPPS Module containing the training information set forth in this task had been developed, but was being further tested before implementation. The module was on-line in time for the beginning of supervisory training in the last review period. On January 1, 2004, during this review period, MAPPS was fully implemented Division-wide. The Training Module is now fully operational and subject to policies developed by the Division and approved by the IMT.

Further development of the Training Module occurred during this review period when the Training Academy set up a process for Troop Training Coordinators to access approved lesson plans from which they can “teach” (all or in part) to members receiving a “training” intervention amenable to such a plan and not requiring a standard Academy course. The Academy deems this “remedial training” and has provided for the information to be entered into the ACTS database, which will then be viewable through MAPPS.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 109

Task: Documentation of Training Provided

Decree ¶109

Decree Language

“109. The State Police shall maintain in a central repository copies of all Academy, post-Academy and trooper coach training materials, curricula, and lesson plans.”

PROGRESS/STATUS SUMMARY

During the prior review period, the Division of State Police Training Bureau automated its training records to facilitate training records management, and to ensure that all current member training records are accurate and accessible.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 110

Task: Creation of the Office of State Police Affairs

Decree ¶110

Decree Language:

“110. The Attorney General of New Jersey shall create an Office of State Police Affairs (“office”). The office shall have the responsibility to ensure implementation of the terms of this Consent Decree and provide coordination with the Independent Monitor and the United States concerning the State Police and matters related to the implementation of the Consent Decree. An Assistant Attorney General shall head the office. The office’s responsibilities shall include auditing the manner in which the State receives, investigates, and adjudicates misconduct allegations; auditing the State Police's use of MAP data; and auditing state trooper performance of the motor vehicle stop requirements discussed in the Consent Decree. The office also shall be responsible for providing technical assistance and training regarding these matters. The office shall have such additional responsibilities as may be assigned by the State Attorney General.”

PROGRESS/STATUS SUMMARY

The Office of State Police Affairs has been in operation since September 1999.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 111

Task: Office of State Police Affairs -- Motor Vehicle Stop Audits

Decree ¶111

Decree Language:

“111. The office shall implement an auditing system for contacting a sample of persons who were the subject of motor vehicle stops and enforcement actions and procedures connected to a motor vehicle stop, to evaluate whether state troopers conducted and documented the incidents in the manner prescribed by State Police rules, regulations, procedures, and directives, and the requirements of this Decree.”

PROGRESS/STATUS SUMMARY

During prior review periods, the State developed and received IMT approval of a protocol establishing an auditing system as required by Task 111.

During this review period, Division of State Police stations continue to be audited by the Office of State Police Affairs and a statistical sampling of motorists who were subjected to enforcement actions and procedures were identified. Reasonable attempts were made to interview individuals from this population, using a survey instrument previously approved by the IMT. OSPA asked motorists about the professionalism of the member during the stop, and verified the information contained in the related Division of State Police documentation was accurate. Questionnaires were sent to all motorists identified as part of the sample. If required, follow-up telephonic inquiry will be initiated to provide for a larger sample response. Allegations of improper conduct, if found, are forwarded to OPS and are investigated appropriately.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 112

Task: Office of State Police Affairs -- Misconduct Investigation Audits

Decree ¶112

Decree Language:

“112. The office’s audits of the receipt, investigation, and adjudication of misconduct allegations shall include audits of the tapes of the complaint/comment toll-free telephone hotline established by ¶62; the use of testers to evaluate whether complaint intake procedures are being followed; audits of audio tape and videotape interviews produced during the course of misconduct investigations; and interviews of a sample of persons who file misconduct complaints, after their complaints are finally adjudicated.”

PROGRESS/STATUS SUMMARY

During this review period, OSPA has continued to perform auditing functions required by Task 112.

OSPA continued to review all closed Consent Decree mandated investigations and ensure that all investigations were completed consistent with the requirements of the Consent Decree. OSPA staff continue to audit all complaints on the 24-hour toll-free hotline that resulted in the opening of internal investigations and a random sampling of those that did not result in the opening of investigations to ensure that callers are not being discouraged from making or following through with complaints, and also to confirm that allegations that are opened for investigation are properly recorded in a case control log and computerized database. In auditing closed investigations, OSPA reviewed all audio or video tapes produced during the course of the investigation. OSPA has developed an instrument, which was previously approved by the IMT, to interview complainants whose misconduct complaints were finally adjudicated. During this review period, OSPA continued to contact complainants in closed cases. A stratified sampling of Division of State Police stations was conducted by OSPA by conducting “test” calls during each shift (day, night). In all instances, the individual responding to the test call provided the correct filing information and indicated that the Division of State Police made no attempt to dissuade the caller from initiating the complaint.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 113

Task: Office of State Police Affairs -- Unrestricted Access

Decree ¶113

Decree Language:

“113. The office shall have full and unrestricted access to all State Police staff, facilities, and documents (including databases) that the office deems necessary to carry out its functions.”

PROGRESS/STATUS SUMMARY

To date, the Office of State Police Affairs has had full and unrestricted access to all Division of State Police staff, facilities, and documents that the office has deemed necessary to carry out its functions.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 114

Task: Public Disclosure of Aggregate Statistics

Decree ¶114

Decree Language:

“114. The State Police shall prepare semiannual public reports that include aggregate statistics on State Police traffic enforcement activities and procedures broken down by State Police station and the race/ethnicity of the civilians involved. These aggregate statistics shall include the number of motor vehicle stops (by reason for motor vehicle stop), enforcement actions (including summonses, warnings, and arrests) and procedures (including requests for consent to search, consent searches, non-consensual searches, and uses of force) taken in connection with or during the course of such stops. The information regarding misconduct investigations shall include, on a statewide basis, the number of external, internal, and total complaints received and sustained by category of violation. The information contained in the reports shall be consistent with the status of State Police recordkeeping systems, including the status of the MAP computer systems. Other than expressly provided herein, this paragraph is not intended, and should not be interpreted, to confer any additional rights to information collected pursuant to this Decree.”

PROGRESS/STATUS SUMMARY

On December 29, 2003, the State submitted its Eighth Semiannual Public Report, which included the aggregate statistics required by Task 114.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 115

Task: Appointment of Independent Monitor Team

Decree ¶115

Decree Language:

“115. Within ninety (90) days after the entry of this Decree, the State and the United States shall together select an Independent Monitor who shall monitor and report on the State’s implementation of this Decree. The Monitor shall be acceptable to both parties. If the parties are unable to agree on an Independent Monitor, each party shall submit two names of persons who have experience as a law enforcement officer, as a law enforcement practices expert or monitor, or as a federal, state, or county prosecutor or judge along with resumes or curricula vitae and cost proposals to the Court, and the Court shall appoint the Monitor from among the names of qualified persons submitted. The State shall bear all costs of the Monitor, subject to approval by the Court.”

PROGRESS/STATUS SUMMARY

On March 29, 2000, the State and the DOJ jointly selected an IMT. During a previous review period, DOJ District Court Judge Mary L. Cooper entered an Order appointing the IMT.

During this review period, the IMT continued to perform its duties as set forth in the Decree. On January 23, 2004, the IMT filed its Ninth Monitoring Report. The IMT visited the Division in anticipation of the Ninth Monitoring Report the week of October 13th, 2003 through the week of October 20, 2003 and a member of the IMT conducted a second visit to the Academy in November 2003.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 118

Task: IMT -- Unrestricted Access

Decree ¶118

Decree Language:

“118. The State shall provide the Monitor with full and unrestricted access to all State staff, facilities, and non-privileged documents (including databases) necessary to carry out the duties assigned to the Monitor by this Decree. In the event of an objection, the Court shall make the final determination regarding access. In any instance in which the State objects to access, it must establish that the access sought is not relevant to monitoring the implementation of the Consent Decree, or that the information requested is privileged and the interest underlying the privilege cannot be adequately addressed through the entry of a protective order. In any instance in which the State asserts that a document is privileged, it must provide the United States and the Monitor a log describing the document and the privilege asserted. Notwithstanding any claim of privilege, the documents to which the Monitor shall be provided access include: (1) all State Police documents (or portions thereof) concerning compliance with the provisions of this Decree, other than a request for legal advice; and (2) all documents (or portions thereof) prepared by the Office of the Attorney General which contain factual records, factual compilations, or factual analysis concerning compliance with the provisions of this Decree. Other than as expressly provided herein, with respect to the Independent Monitor, this paragraph is not intended, and should not be interpreted to reflect a waiver of any privilege, including those recognized at common law or created by State statute, rule or regulation, which the State may assert against any person or entity other than the Independent Monitor.”

PROGRESS/STATUS SUMMARY

During this review period, the State continued to grant the IMT full and unrestricted access to State and Division of State Police staff, facilities, and non-privileged documents as required by Task 118.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 120

Task: State Police to Reopen Internal Investigations Determined to be Incomplete

Decree ¶120

Decree Language:

“120. Subject to the limitations set forth in this paragraph, the State Police shall reopen for further investigation any misconduct investigation the Monitor determines to be incomplete. The Monitor shall provide written instructions for completing the investigation. The Monitor shall exercise this authority so that any directive to reopen an investigation is given within a reasonable period following the investigation’s conclusion. The Monitor may not exercise this authority concerning any misconduct investigation which has been adjudicated or otherwise disposed, and the disposition has been officially communicated to the trooper who is the subject of the investigation.”

PROGRESS/STATUS SUMMARY

As a result of a Court Order entered by the Honorable Mary L. Cooper, U.S.D.J., on April 6, 2004, dismissing OPS from the Consent Decree, no review of OPS cases was conducted by the IMT. OSPA has continued with its oversight of OPS and the internal affairs process.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 122

Task: State to File Progress Reports

Decree ¶122

Decree Language:

“122. Between ninety (90) and one hundred twenty (120) days following entry of this Consent Decree and every six months thereafter until this Consent Decree is terminated, the State shall file with the Court and the Monitor, with a copy to the United States, a status report delineating all steps taken during the reporting period to comply with each provision of this Consent Decree.”

PROGRESS/STATUS SUMMARY

The State filed its First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth Status Reports as required by Task 122 on or about April 27, 2000, October 27, 2000, April 27, 2001, October 29, 2001, May 10, 2002, October 27, 2002, and April 27, 2003 and November 7, 2003, respectively. Pursuant to the authorization of the Court, the State will file the Ninth Progress Report on or before May 7, 2004.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 123

Task: State to Maintain Records Documenting Decree Compliance

Decree ¶123

Decree Language:

“123. During the term of this Consent Decree, the State shall maintain all records documenting its compliance with the terms of this Consent Decree and all documents required by or developed under this Consent Decree. The State shall maintain all misconduct investigation files for at least ten years from the date of the incident. The State Police shall maintain a trooper’s training records and all personally-identifiable information about a trooper included in the MAP, during the trooper’s employment with the State Police. Information necessary for aggregate statistical analysis shall be maintained indefinitely in the MAP for statistical purposes. MVR tapes shall be maintained for 90 days after the incidents recorded on a tape, except as follows: any MVR tape that records an incident that is the subject of an pending misconduct investigation or a civil or criminal proceeding shall be maintained at least until the misconduct investigation or the civil or criminal proceeding is finally resolved. Any MVR tape that records an incident that is the subject of a substantiated misconduct investigation, or an incident that gave rise to any finding of criminal or civil liability, shall be maintained during the employment of the troopers whose conduct is recorded on the tape.”

PROGRESS/STATUS SUMMARY

During this review period, the State continued to maintain records in compliance with Task 123.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 124

Task: United States - Unrestricted Access

Decree ¶124

Decree Language:

“124. During all times while the Court maintains jurisdiction over this action, the United States shall have access to any State staff, facilities and non-privileged documents (including databases) the United States deems necessary to evaluate compliance with this Consent Decree and, within a reasonable time following a request made to the State attorney, shall, unless an objection is raised by the State, be granted such access and receive copies of documents and databases requested by the United States. In the event of an objection, the Court shall make a final determination regarding access. In any instance in which the State objects to access, it must establish that the access sought is not relevant to monitoring the implementation of the Consent Decree, or that the information requested is privileged and the interest underlying the privilege cannot be adequately addressed through the entry of a protective order. In any instance in which the State asserts that a document is privileged, it must provide the United States and the Monitor a log describing the document and the privilege asserted. Notwithstanding any claim of privilege, the documents to which the United States shall be provided access include: (1) all State Police documents (or portions thereof) concerning compliance with the provisions of this Decree, other than a request for legal advice; and (2) all documents (or portions thereof) prepared by the Office of the Attorney General which contain factual records, factual compilations, or factual analysis concerning compliance with the provisions of this Decree. Other than as expressly provided herein with respect to the United States, this paragraph is not intended, and should not be interpreted to reflect a waiver of any privilege, including those recognized at common law or created by State statute, rule or regulation, which the State may assert against any person or entity other than the United States.”

PROGRESS/STATUS SUMMARY

During this review period, the State continued to grant the DOJ full and unrestricted access to State and Division of State Police staff, facilities, and non-privileged documents as required by Task 124.

CONCLUSION

The foregoing report has been submitted to summarize the status of the State's implementation of the Consent Decree.

Respectfully submitted,

PETER C. HARVEY
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By: s/ _____
Daniel G. Giaquinto
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Dated: May 7, 2004