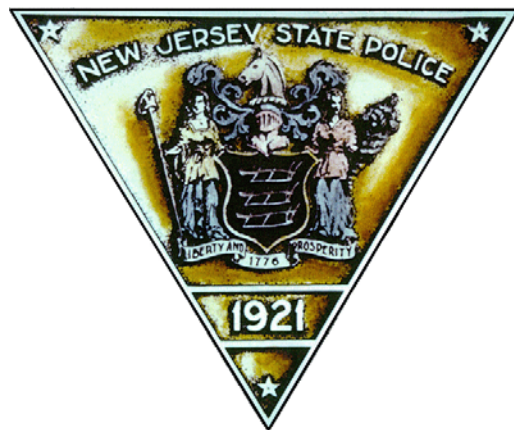


NEW JERSEY STATE POLICE
OFFICE OF PROFESSIONAL
STANDARDS
INTERNAL INVESTIGATION AND
DISCIPLINARY PROCESS
ANNUAL REPORT
2010



HONOR ☆ DUTY ☆ FIDELITY

TABLE OF CONTENTS

From the Superintendent	1
Executive Summary	2
Office of Professional Standards	2
Internal Affairs Investigation Bureau	2
Intake and Adjudication Bureau	2
Intake Unit	2
Administrative Internal Proceedings Unit	2
Management Review Unit	3
Staff Inspection Unit	3
Civil Proceedings Unit	3
2010 Organizational Chart	3
Office of Law Enforcement Professional Standards	4
State Police Disciplinary Process	4
Complaint Process	5
Five Year Comparison of Number of Incidents Reported (Chart)	6
Classification of Reported Incidents	7
Misconduct	7
Performance	7
Administrative	7
EEO / AA Investigations and/or Compliance Investigations Forwarded to O.P.S.	7
Referrals	7
Shooting Reviews	8
Five Year Breakdown of Incident Classifications (Table)	8
Origin of Complaints	8

Five Year Comparison of Complaint Sources (Chart)	10
Criminal Proceedings Involving Division Members	10
Line of Duty: Citizen Initiated Criminal Matters	11
On-duty Conduct: State Police or	
Other Law Enforcement Agency Initiated Proceedings	11
Off-duty Conduct	11
Assignment of Investigations	12
Allegations and Outcomes	12
Substantiated	12
Unfounded	12
Exonerated	12
Insufficient Evidence	12
Misconduct Investigations Opened	13
Summary of New Complaints	13
Classification / Principal (Table)	14
Completed Discipline	15
General Disciplinary Hearing	15
Summary Disciplinary Hearing	15
Minor Discipline	15
Synopsis of Major Discipline	15
Synopsis of Minor Discipline	18
Summary of Completed Cases (Table)	21
Prosecution for False Citizen Complaints	22
Compliments	22

FROM THE SUPERINTENDENT...

I am pleased to present the Governor, the Legislature and the citizens of New Jersey with the New Jersey State Police, **2010 Office of Professional Standards Annual Report** (“*the report*”). The State Police began producing this report in the year 2000 in response to legislation providing the public with an ability to examine the internal affairs function of the State Police and be reassured that it is truly operating in a trustworthy and acceptable manner. This year is no exception. Herein, the reader will find clearly presented topics, including descriptions of the current Office of Professional Standards (OPS) Table of Organization and related office functions, an explanation of the classification process for all reportable incidents, the system by which incidents are addressed and disposed of, and finally, a detailed analysis of the data compiled during 2010.

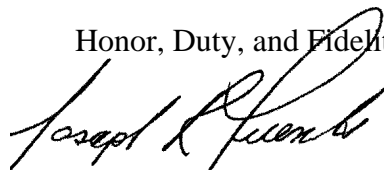
A law enforcement entity in a democratic society can tie its effectiveness directly to the level of trust it enjoys within the community it serves. A significant factor in gaining and maintaining that trust is ensuring that there is a strict allegiance to a highly professional and transparent internal affairs function. It follows that the execution of the internal affairs function within a professional law enforcement entity presents challenges that require constant and consistent vigilance. I believe that a fair review of the **2010 Annual Report** will support the conclusion that the New Jersey State Police maintains that level of vigilance.

This introduction will not restate all of the facts, figures and analysis articulated in this report, other than to remind the reader that troopers of the New Jersey State Police engaged in more than **two million police/citizen contacts during the calendar year 2010**. Any single complaint reported to the OPS that was generated within that vast number of contacts was, without exception, assigned a number, classified, and addressed in accordance with established highly-reputable best practices.

In addition to adhering to best practices, we conduct further system checks and balances through an auditing process conducted by the Office of Law Enforcement Professional Standards (OLEPS), Office of the Attorney General. Twice annually, the OLEPS conducts a comprehensive audit of the OPS functions, including a thorough critique of all misconduct cases closed during the period under review. To date, these audits support the conclusion that the OPS continues to operate at a high levels of proficiency and police accountability.

My personal commitment to the mission of the Office of Professional Standards is unwavering. I want to express my sincere appreciation for the hard work and dedication of the men and women of that office as, once again, I present to you the **2010 Office of Professional Standards Annual Report**.

Honor, Duty, and Fidelity,



Joseph R. Fuentes
Colonel
Superintendent

EXECUTIVE SUMMARY

This report is intended to provide the Governor, State Legislature, the citizens of the State of New Jersey, and all other interested parties a brief history of the State Police internal affairs process and a comprehensive look at the disciplinary system employed by the Division. Included in the report are explanations of how the Division receives complaints, classifies the allegations, assigns cases for investigation, and adjudicates substantiated charges against enlisted members. The report also provides overviews of major and minor discipline imposed in 2010 as the result of substantiated allegations and other actions taken by the Division to address aberrant behavior.

OFFICE OF PROFESSIONAL STANDARDS

In 1999, the Attorney General's Office conducted a review of the Division's disciplinary system. As a result of this review, the Internal Affairs Bureau was reorganized and the Office of Professional Standards was established. The investigative and adjudication functions were transferred from the Division Staff Section and placed under the control of a major, reporting directly to the Superintendent. During 2001, the Division Standing Operating Procedure that governs the Office of Professional Standards was completely revised, and the new policy was adopted in January 2002. This revision ultimately resulted in the formation of two distinct bureaus within the office. On December 31, 2010, the Office of Professional Standards consisted of 63 persons. This includes 8 professional support personnel and 55 enlisted persons.

INTERNAL AFFAIRS INVESTIGATION BUREAU

The Internal Affairs Investigation Bureau is responsible for investigating all misconduct complaints made against enlisted members of the State Police. This bureau is commanded by a captain holding the position of bureau chief. The bureau also has an assistant bureau chief holding the rank of lieutenant. In addition, there are regional field units staffed with investigators which are located in north, central and south.

INTAKE AND ADJUDICATION BUREAU

The Intake and Adjudication Bureau is commanded by a captain, as bureau chief, and a lieutenant, as assistant bureau chief. The bureau is divided into five (5) units with varying responsibilities:

The Intake Unit: Accepts, classifies, and assigns or refers all reportable incidents received by the Office of Professional Standards. This unit is also responsible for notifying complainants of the Division's response to the complaints.

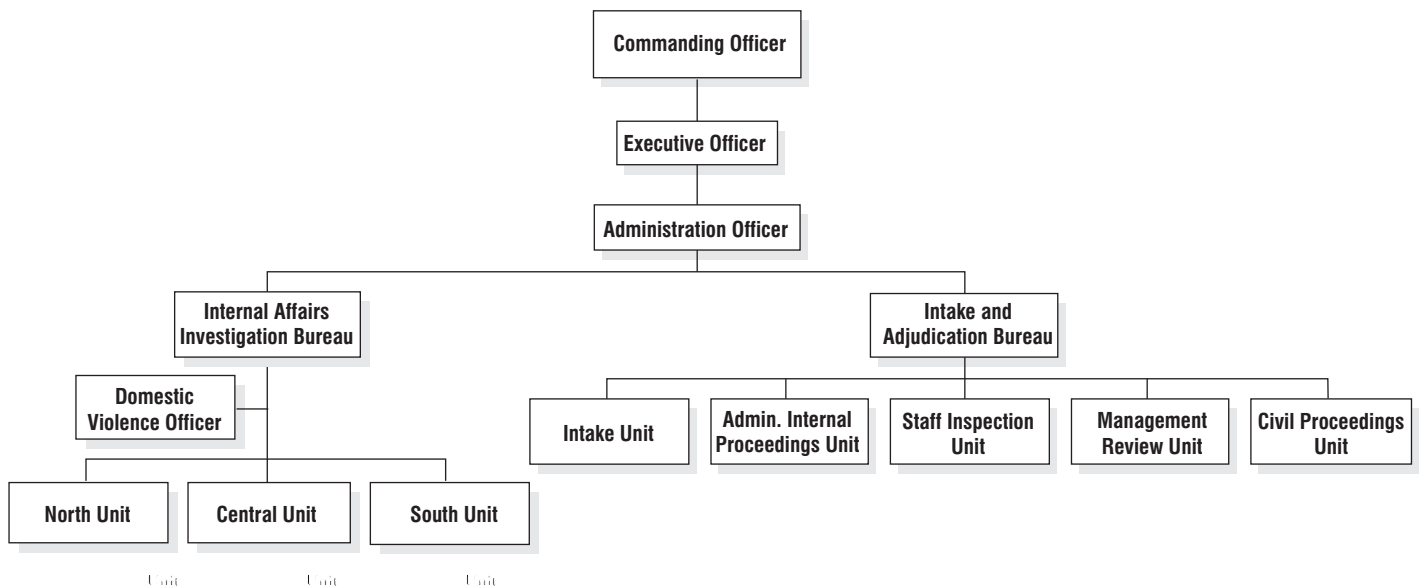
The Administrative Internal Proceedings Unit: Responsible for the adjudication of substantiated allegations, convening disciplinary hearings, and acts as a liaison between the Office of Professional Standards and the Office of the Attorney General, Office of Law Enforcement Professional Standards, and the Office of Administrative Law.

The Management Review Unit: Responsible for the design, implementation, documentation, evaluation, and improvement of the Division’s internal controls. The unit also assists sections and bureaus in developing systems of review for the cost effective use of resources and reviews all procedures concerning division financial accounts.

The Staff Inspection Unit: Responsible for instructing field officers in proper inspection techniques, reviewing inspection reports submitted by field supervisors, conducting evidence and administration inspections of stations and field units, and examining supervisory mobile video recording reviews.

The Civil Proceedings Unit: Responsible for recording, classifying, and tracking all civil actions filed against the Division or its individual members. The unit reviews and forwards to the proper agency all requests for legal representation, whether criminal or civil. Further, the unit acts as liaison between the Superintendent's Office, the Chief of Staff and the Office of Professional Standards Commanding Officer to the appropriate entities of the Attorney General's Office regarding civil litigation matters. In addition, the unit compiles and provides, in a timely and thorough manner, all requests for discovery demands in civil litigation to the Attorney General's Office. The Unit is also charged with researching policies, procedures, training and disciplinary issues in relation to legal matters concerning the Division. Finally, the unit ensures all requests for public records are handled in accordance with the procedures set forth in S.O.P. D4, Open Public Records Act.

OFFICE OF PROFESSIONAL STANDARDS 2010 ORGANIZATIONAL CHART



OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS

In recognition of the strong public policy interest in perpetuating the quality and standards established under the 1999 Consent Decree, on August 27, 2009, the Legislature enacted the Law Enforcement Professional Standards Act of 2009, L. 2009, c. 52:17B-222 et seq. The Act established the Office of Law Enforcement Professional Standards (OLEPS) within the OAG and assumed the functions that had been performed by the independent monitoring team under the consent decree.

As part of its statutory responsibilities, OLEPS reviews all Division rules, regulations, standing operating procedures and operations instructions relating to the consent decree. This ensures that the Division maintains or enhances its practices on matters pertaining to any applicable nondiscriminatory policy established by the Attorney General affecting, for example, the law of arrest and search and seizure, documentation of motor vehicle stops and other law enforcement activities occurring during the course of motor vehicle stops.

The Act further authorizes OLEPS to conduct operations audits and independent analyses of data, as necessary, to identify any potential disparity in enforcement and systematic problems that may exist affecting the integrity of motor vehicle stops, post-stop enforcement actions, supervision of patrol activities, training provided to Division members assigned to patrol duties, investigations of alleged misconduct and other matters affecting the integrity of the Division. Based on its audits, OLEPS is required to prepare a biannual report that evaluates the Division's compliance with relevant performance standards and procedures that include aggregate statistics on the Division's traffic enforcement activities and procedures, segregated by Division station and providing aggregate data on race and ethnicity of the civilians involved. The biannual report also provides aggregate data regarding misconduct investigations, and the number of external, internal and total complaints received and the disposition of those complaints.

The Attorney General and the Division are dedicated to serving the public and to providing the most vigorous, lawful, and nondiscriminatory implementation of law enforcement practices and procedures possible.

STATE POLICE DISCIPLINARY PROCESS

The New Jersey State Police is a statewide police organization that provides a full range of police services. As an employer, the Division is comprised of four thousand, two hundred and seventy-five (4,275) employees including two thousand, eight hundred and sixty-eight (2,868) sworn members, and one thousand, four hundred and seven (1,407) civilian members.¹

Due to the unique mission of the State Police, the Office of Professional Standards is tasked with handling complaints from the public regarding troopers' conduct, as well as allegations of criminal conduct by members.

¹ As of December 2010

In 2010, troopers were involved in excess of two million (2,000,000) police/citizen contacts. Many of these interactions were routine; many involved stressful and critical situations.

The disciplinary system of the New Jersey State Police is unique within the state. The New Jersey Supreme Court has recognized:

Unlike the comparably routine issues of discipline that might arise in connection with employees in other departments of state government, the discipline of state troopers implicates not only the proper conduct of those engaged in the most significant aspects of law enforcement, involving the public safety and the apprehension of dangerous criminals, but also the overall effectiveness, performance standards, and morale of the State Police. As such, discipline of state troopers involves the most profound and fundamental exercise of managerial prerogative and policy.²

The statistics and cases embodied in this report represent all disciplinary matters involving troopers. It would be inaccurate to attribute the sum of these statistics and cases to allegations solely arising from citizen complaints alleging line of duty misconduct on the part of a trooper. The statistics also include internally generated allegations of violations of the Division's Rules and Regulations, as well as complaints of misconduct while off duty.

COMPLAINT PROCESS

The New Jersey State Police accepts, reviews, and responds to all complaints received from the public, including anonymous complaints, complaints from third-party witnesses, and complaints from parties not directly involved in the incident.

Complaints may be made in person at any State Police facility, by telephone or fax, or through regular mail. The Office of Professional Standards does not accept direct e-mail complaints; however, other State Agencies do, such as Citizen Services of the Office of the Attorney General, who, in turn, will forward such complaints to the Division of State Police.

The Division continues its commitment to ensuring that members of the public have ease of access to the compliment/complaint system. In 1999, the State Police instituted and advertised a toll free hot line available twenty-four hours a day which goes directly to the Office of Professional Standards. In addition, every on-duty member interacting with the public is required to carry informational brochures and compliment/complaint forms which must be provided to anyone who objects to or compliments the troopers' conduct.

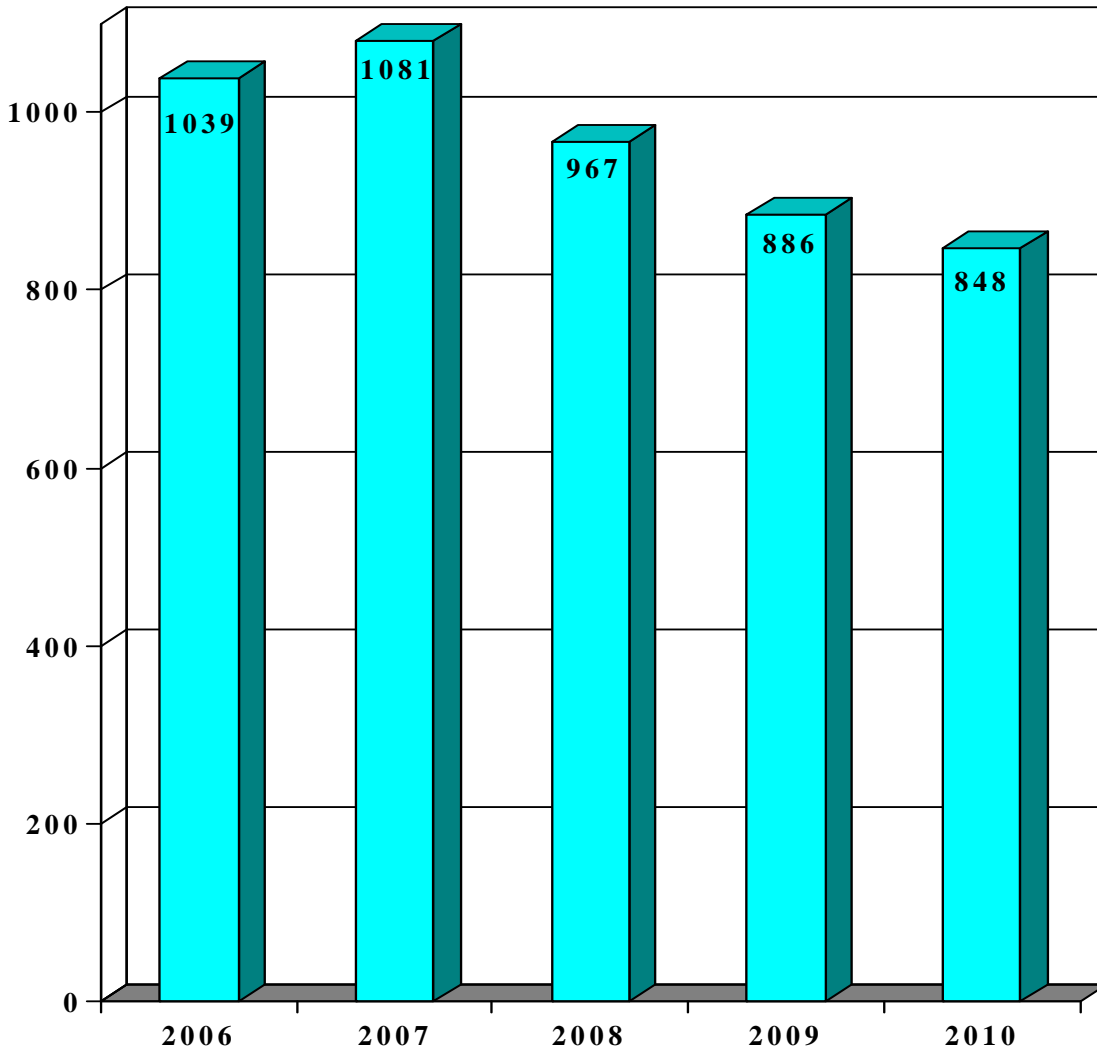
Further, the Office of Law Enforcement Professional Standards, within the Office of the Attorney General, which is external to the State Police, accepts and investigates complaints, providing an alternative to citizens concerned about complaining directly to the State Police. Each of these initiatives has continued to provide citizens significantly more opportunities to provide feedback, compliments or complaints about the operation of the Division and its personnel.

²State of New Jersey v. State Troopers Fraternal Association, 134 N.J. 393, 416 (1993)

As stated previously, the Intake Unit of the Office of Professional Standards is responsible for receiving, documenting, processing, classifying, and disseminating all complaints against sworn members of the New Jersey State Police alleging misconduct or violations of State Police Rules and Regulations. This includes complaints made by citizens, as well as employment-related disciplinary matters.

During 2010, eight hundred, forty-eight (848) total incidents were reported and classified, as compared to eight hundred, eighty six (886) in 2009. This represents a 4.5% decrease in the number of reportable incidents received in the year 2010 less than those received in the year 2009, while the total number of the Division's enlisted personnel decreased by 28 enlisted members, representing a 0.94% decrease for the same period.

Five Year Comparison of Number of Incidents Reported



CLASSIFICATION OF REPORTED INCIDENTS

When incidents are reported to the Office of Professional Standards, they are placed in one of four categories after being reviewed by the Office of Professional Standards Command Staff members.

MISCONDUCT

If the Division receives a complaint that alleged a trooper has committed a violation of the Division's Rules and Regulations, Standing Operating Procedures, or any applicable federal or state statutes, the matter is classified as Misconduct, and an Internal Investigation is initiated.

PERFORMANCE

When a complaint is reviewed and it is determined that an enlisted member of the Division may have committed a minor infraction, the matter is classified as a Performance Issue. These matters are returned to the member's command for resolution. The command is required to assign a supervisor not in the member's direct chain of command to handle the complaint. The supervisor is required to submit a Performance Incident Disposition Report to the Office of Professional Standards through his/her chain of command detailing the corrective actions taken to resolve the issue.

ADMINISTRATIVE

When the Office of Professional Standards review of the reported incident reveals that a trooper has not violated any of the Division's Rules and Regulations, Standing Operating Procedures, or applicable federal or state laws, the incident is classified as an Administrative matter.

EQUAL EMPLOYMENT OPPORTUNITY/ AFFIRMATIVE ACTION INVESTIGATIONS AND/OR COMPLIANCE INVESTIGATIONS

When the Division's Office of Equal Employment Opportunity conducts an investigation in which allegations are substantiated against an enlisted member the cases are forwarded to the Office of Professional Standards for adjudication and disciplinary action. The Compliance Unit/HRMB refer allegations of violations of the Medical Leave Policy which are classified as misconduct investigations.

REFERRALS

When the Division receives a complaint which does not involve a member of the New Jersey State Police, it refers the complaint to the proper authority and documents the transaction in the IA Pro database as a Non-Reportable Incident.

SHOOTING REVIEWS

When a Division member is involved in a shooting, it is documented as an investigation and investigated by the Attorney General’s Shooting Response Team and the State Police Major Crime Unit. When the Major Crime Unit completes their investigation, the case is reviewed by the Intake Unit for any violation of New Jersey State Police Rules and Regulations or Standing Operating Procedures.

Five Year Breakdown of Incident Classifications

	2006	2007	2008	2009	2010
MISCONDUCT	345	276	293	295	290
PERFORMANCE	220	290	226	183	164
ADMINISTRATIVE ISSUES	472	503	408	373	376
COMPLIANCE	0	0	0	0	0
EEO / AA INVESTIGATIONS	2	9	9	8	3
NON-REPORTABLE INCIDENTS / REFERRALS		2	29	25	14
SHOOTING REVIEWS		1	2	2	1
TOTALS	1,039	1,081	967	886	848

ORIGIN OF COMPLAINTS

In 2010, of the two hundred and ninety (290) total misconduct complaints, two hundred eight (208) (72%) were initiated by members of the public, and eighty-two (82) (28%) were initiated internally. Of the misconduct complaints initiated by the public, one hundred and twenty-nine (129) (62%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received one hundred and sixty-four (164) reportable incidents which were classified as Performance Issues; one hundred and forty-seven (147) (90%) of these complaints were initiated by members of the public and seventeen (17) (10%) were initiated internally.

In 2009, of the two hundred and ninety-five (295) total misconduct complaints, two hundred and fourteen (214) (73%) were initiated by members of the public and eighty-one (81) (27%) were initiated internally. Of the misconduct complaints initiated by the public, eighty-six (86) (40%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received one hundred and eighty-

three (183) reportable incidents which were classified as Performance Issues; one hundred and sixty-six (166) (91%) of these complaints were initiated by members of the public and seventeen (17) (9%) were initiated internally.

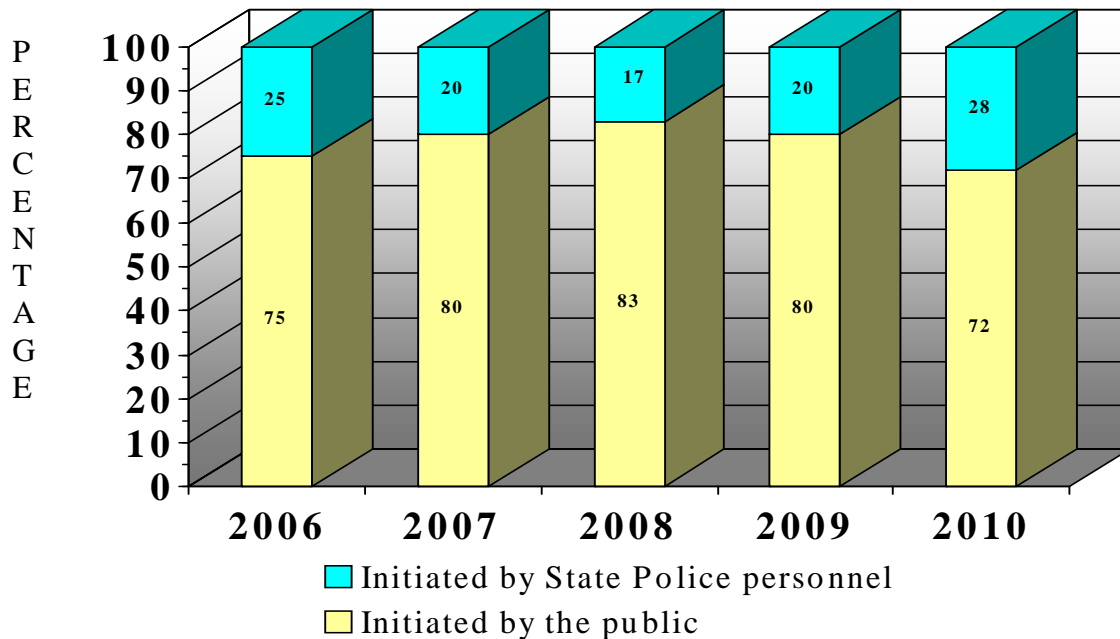
In 2008, of the two hundred and ninety-three (293) total misconduct complaints, two hundred and eighteen (218) (74%) were initiated by members of the public and seventy-five (75) (26%) were initiated internally. Of the misconduct complaints initiated by the public, eighty-five (85) (39%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received two hundred and twenty-six (226) reportable incidents which were classified as Performance Issues; two hundred and thirteen (213) (94%) of these complaints were initiated by members of the public and thirteen (13) (6%) were initiated internally.

In 2007, of the two hundred and seventy-six (276) total misconduct complaints, one hundred and eighty-seven (187) (68%) were initiated by members of the public, and eighty-nine (89) (32%) were initiated internally. Of the misconduct complaints initiated by the public, one hundred and twenty-nine (129) (69%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received two hundred and ninety (290) reportable incidents which were classified as Performance Issues; two hundred and sixty-eight (268) (92%) of these complaints were initiated by members of the public and twenty-two (22) (8%) were initiated internally.

In 2006, of the three hundred and forty-five (345) total misconduct complaints, two hundred and twenty-six (226) (66%) were initiated by members of the public and one hundred and nineteen (119) (34%) were initiated internally. Of the misconduct complaints initiated by the public, one hundred and thirty-one (131) (58%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received two hundred and twenty (220) reportable incidents which were classified as Performance Issues; one hundred and ninety-eight (198) (90%) of these complaints were initiated by members of the public and twenty-two (22) (10%) were initiated internally.

FIVE YEAR COMPARISON OF COMPLAINT SOURCES FOR MISCONDUCT AND PERFORMANCE MATTERS

For the purposes of the chart displayed below, the cumulative number of Performance Issues and Misconduct Complaints is being used.



CRIMINAL PROCEEDINGS INVOLVING DIVISION MEMBERS

The Office of Professional Standards also investigates all matters in which a member of the State Police has become the subject of a criminal proceeding. Criminal proceedings arise in a variety of ways. They can be initiated as a result of an investigation by Office of Professional Standards personnel; they may be the result of state or federal criminal investigations; they may arise from off-duty matters; or they may be the result of counter-complaints filed against a trooper by a defendant, after the defendant has been arrested or charged by a trooper.

The following paragraphs outline the criminal matters pending against members of the Division between January 1, 2010, and December 31, 2010. Each matter is also the subject of a pending internal investigation.

LINE OF DUTY: CITIZEN INITIATED CRIMINAL MATTERS

On occasion, criminal charges are filed by citizens against members of the Division for incidents alleged to have occurred on-duty. Most are filed by individuals who were charged with motor vehicle and/or criminal offenses by a member. These cases are reviewed, and a determination is made as to whether the members' actions were within the scope of their official duties and therefore legally defensible.

During 2010, there were no criminal charges filed by citizens against members who were performing their official duties.

ON-DUTY CONDUCT: STATE POLICE OR OTHER LAW ENFORCEMENT AGENCY INITIATED PROCEEDINGS

In some cases, a member is criminally charged for on-duty conduct by the State Police or other law enforcement agency and/or there has been a finding that the member's behavior fell outside the scope of the member's official duties.

During 2010, one (1) criminal charge was brought against a member by the State Police or other law enforcement agency.

OFF-DUTY CONDUCT

These cases represent criminal or disorderly persons offenses filed against Division members acting in an off-duty capacity and not related in any way to the performance of their State Police duties. During 2010, the following off-duty incidents were filed against members:

Members were charged with Harassment and/or Simple Assault (Domestic Violence). These charges are pending a judicial hearing.

Member was charged with theft. This charge is pending a judicial hearing.

Member was charged with violation of a local ordinance (disorderly conduct). This charge was judicially dismissed.

Member was charged with Simple Assault /Domestic Violence. The criminal charge was dismissed and the member was terminated.

Member was charged with vehicular homicide. This charge is pending a judicial hearing.

Member was charged with Driving While Intoxicated. The member plead guilty, received a driver's license suspension and was fined.

Although some of the above criminal charges have been judicially dismissed, the troopers involved may still face Division administrative charges.

ASSIGNMENT OF INVESTIGATIONS

Of the two hundred and ninety (290) misconduct cases assigned in 2010, two hundred and eighty-five (285) were assigned to Internal Affairs Bureau investigators, and five (5) were referred to the Office of State Police Affairs for investigation.

The investigative process assesses the propriety of all conduct during the incident in which the alleged misconduct occurred. If, during the course of an investigation, there is an indication that misconduct occurred other than that alleged, the Office of Professional Standards will also investigate the additional potential misconduct to its logical conclusion. In addition, if a citizen requests to withdraw a previously made complaint, the investigation is continued with or without the assistance of the citizen to ensure proper trooper conduct.

ALLEGATIONS AND OUTCOMES

All complaints are categorized based on the alleged offense. As of September 1, 2000, completed investigations, upon review by the Superintendent, are determined to have one of the following four dispositions:

- SUBSTANTIATED** : an allegation is determined to be “substantiated” if a preponderance of the evidence shows a member violated State Police rules, regulations, protocols, standing operating procedures, directives, or training.
- UNFOUNDED** : an allegation is determined to be “unfounded” if a preponderance of the evidence shows that the alleged misconduct did not occur.
- EXONERATED** : an allegation is determined to be “exonerated” if a preponderance of the evidence shows the alleged conduct did occur but did not violate State Police rules, regulations, standing operating procedures, directives or training.
- INSUFFICIENT EVIDENCE** : an allegation is determined to be “insufficient evidence” when there is insufficient evidence to decide whether the alleged act occurred.

MISCONDUCT INVESTIGATIONS OPENED IN 2010

There were two hundred and ninety (290) misconduct investigations opened in 2010. The following paragraphs report the status of these cases as of December 31, 2010. Of these cases, two hundred and eight (208) were initiated as the result of citizen complaints and eighty-two (82) cases were opened because of complaints made by State Police supervisors or other members.

Of the two hundred and eight (208) citizen initiated investigations, thirty-eight (38) (18%) remain active, thirty-four (34) (16%) are in the review process, one hundred eight (108) (52%) have been completed, and twenty-eight (28) (14%) have been suspended pending court action or other administrative action. Of the one hundred eight (108) completed, twenty-two (22) (20%) resulted in primary or secondary allegations.

Of the eighty-two (82) complaints initiated by State Police supervisors or members, thirteen (13) (16%) remain active, seven (7) (9%) are in the review process, fifty-three (53) (64%) have been completed, and nine (9) (11%) have been suspended pending court action or other administrative action. Of the fifty-three (53) completed, forty (40) (75%) resulted in substantiated primary or secondary allegations.

SUMMARY OF NEW COMPLAINTS:

The following table summarizes the total number of complaints received by the Office of Professional Standards during the year 2010 that resulted in Internal Investigations, the origin of the complaints, the total number of Principals (members of the Division who have been identified as the subjects of the investigations), and the general categories of the allegations. The right side summarizes the adjudication of cases by category that occurred during the year 2010, which includes complaints from 2010 and earlier:

2010 CASES RECEIVED BY CATEGORY FOR INTERNAL INVESTIGATION			
Complaint Classification	Origin		Principals (Involved Members)
	Public	SP	
Improper Search	4	0	8
Theft	5	3	13
Assault	3	0	4
Excessive Force	44	1	85
Differential Treatment	69	1	101
Other Harassment	4	2	7
Domestic Violence	7	13	18
Drug Violation	1	1	1
Alcohol Violation	3	5	11
False Arrest	9	0	23
Failure to Perform Duty	2	4	18
Driving Violation	0	2	2
Attitude and Demeanor	16	2	22
Admin. Violations	6	22	34
Other	35	26	90
TOTALS	208	82	437

COMPLETED DISCIPLINE

The State Police disciplinary system provides for three formal dispositions of substantiated violations of Rules and Regulations. They are:

GENERAL DISCIPLINARY HEARING : may result in termination, suspension of any duration imposed by the Superintendent, and/or a reduction in rank and/or grade

SUMMARY DISCIPLINARY HEARING : may result in a suspension of up to 30 days

MINOR DISCIPLINE : may result in a suspension of up to 5 days

**Note: The New Jersey State Police utilize a progressive discipline model. Some cases may appear to have a different penalty however, an officer's disciplinary history and repeat occurrence of offenses would result in increased discipline.*

SYNOPSIS OF MAJOR DISCIPLINE

The following is a synopsis of discipline imposed as a result of General Disciplinary Hearings completed during the calendar year 2010:

Member engaged in questionable conduct on-duty specifically by improperly handling blood evidence collected as part of a fatal motor vehicle accident investigation. In addition the member failed to provide full and complete information during the internal investigation. The member was suspended for 30 days.

Member provided confidential details regarding an active investigation to a civilian without authorization. The member was suspended for 780 days.

Member engaged in questionable conduct on duty, specifically by transporting a civilian acquaintance while in an assigned troop vehicle without authorization and engaging in inappropriate activities. In addition, the member allowed a civilian acquaintance to gain entrance to State Police facilities with no legitimate law enforcement purpose, again engaging in inappropriate activity. Finally, the member willfully disclosed a copy of an NJSP mobile video recording to others without proper authorization. The member was suspended for 180 days.

Member engaged in questionable conduct on duty, specifically by intentionally providing a false statement to a supervisor during an official investigation. Additionally, the member authored false reports regarding several official investigations. Finally, in a separate incident this member disobeyed a lawful order of a superior officer by providing false and misleading statements as the principal of an internal investigation. The member was terminated from the Division of State Police.

Member engaged in questionable conduct off duty, specifically, by failing to disclose his legal residence. As a direct result of this omission the member gained an warranted financial benefit and was directed to pay a \$2500.00 civil administrative penalty as a result of these actions. The member was suspended for 180 days.

Member engaged in questionable conduct on duty, specifically, by intentionally creating false entries on the member's daily activity patrol log. Additionally, the member displayed a lack of candor during the internal investigation. The member was suspended for 30 days.

Member engaged in questionable conduct while off-duty, specifically by confronting a vendor at their residence for the purpose of settling the sale of a defective item that was previously purchased by the member's relative. The member utilized his official position to intimidate the vendor and was in possession of an unauthorized firearm during the encounter. Finally, in a separate incident the member displayed a lack of candor as a Principal of an internal investigation. The member was suspended for 120 days.

Members engaged in questionable conduct off-duty, specifically engaging in inappropriate behavior with a female acquaintance. Their actions brought discredit onto the Division and caused the general public to question the Division's ability to effectively and impartially render police services. The members were suspended for 360 days.

Member engaged in questionable conduct on-duty specifically by allowing a prisoner to escape from custody and failing to take proper police action while in the performance of their duties. The member was suspended for 20 days.

Member engaged in questionable conduct off-duty, specifically by engaging in a physical altercation with another member. Additionally the member acted in an unprofessional manner towards a member of another Police Department by being uncooperative and verbally abusive towards them. The member was suspended for 261 days and separated from service.

Member engaged in questionable conduct off-duty, specifically by becoming involved in two separate domestic violence incidents with their spouse and causing personal injury. The member was suspended for 771 days.

Member engaged in questionable conduct off-duty, specifically by causing injury to another while operating their personal vehicle. Upon further investigation it was determined that the member was intoxicated. The member was subsequently charged with driving while intoxicated, refusing to submit to a breath test, and reckless driving. The member was suspended for 244 days and separated service.

Member engaged in questionable conduct off-duty, specifically by becoming involved in a domestic violence incident with their spouse. The member was suspended for 222 days.

The following is a synopsis of discipline imposed as a result of Summary Disciplinary Hearings completed during the calendar year 2010:

Member pleaded guilty to acting to their personal discredit and to the discredit of the Division by engaging in questionable conduct on duty specifically by improperly utilizing Division transportation. Further the member instructed another member to author an erroneous activity report indicating the incident was an official State Police mission. The member was required to reimburse the Division for expenses incurred as a direct result of their actions and was also suspended for 20 days.

Member pleaded guilty to acting to their personal discredit and to the discredit of the Division by engaging in questionable conduct on duty specifically by improperly handling evidence. The member was suspended for 10 days.

Member pleaded guilty to acting to their personal discredit and to the discredit of the Division by engaging in questionable conduct off duty specifically by failing to exercise due care in the handling of a personally owned firearm, subsequently the member failed to report the incident in accordance to Standing Operating Procedures. The member was suspended for 10 days.

Member pleaded guilty to acting to their personal discredit and to the discredit of the Division by engaging in questionable conduct on and off duty specifically by making a series of questionable decisions in the process performing in a culpably inefficient manner. The member was suspended for 30 days.

Member engaged in questionable conduct on-duty specifically by improperly utilizing a Division owned computer. The member was suspended for 6 days.

Member engaged in questionable conduct on-duty specifically by failing to comply with court ordered subpoenas issued by the Municipal Court. The member's absence resulted with the dismissal of a driving while intoxicated summons. The member was suspended for 15 days.

Member engaged in questionable conduct off-duty specifically by improperly obtaining state-owned property for his personal use. The member was suspended for 20 days.

Member engaged in questionable conduct on-duty, specifically by improperly handling evidence. The member was suspended for 10 days.

Member engaged in questionable conduct on-duty specifically by intentionally leaving their assigned post without authorization. Additionally, the member submitted a false report and made a false statement to a supervisor related to the incident. The member was suspended for 30 days.

Member engaged in questionable conduct on-duty, specifically by improperly handling evidence. Additionally, the member authored two official New Jersey State Police reports which contained misleading information. The member was suspended for 10 days.

Member engaged in questionable conduct on-duty specifically by making inappropriate remarks that offended another. This behavior was repeated on several occasions. The member was suspended for 17 days .

SYNOPSIS OF MINOR DISCIPLINE

During the year 2010, in addition to disciplinary hearings, there were fifty-five (55) Written Reprimands issued by the Superintendent for a variety of offenses. These include suspensions from zero (0) to five (5) days. The following is a synopsis of Written Reprimands issued by the Superintendent:

Member failed to be punctual for duty and for making false E-Daily entries.
(WR w/5 day suspension)

Member failed to activate MVR at accident scene.
(Written Reprimand)

Member conducted improper search during motor vehicle stop and failed to comply with MVR procedures.
(Written Reprimand)

Member violated Municipal Alcohol Ordinance.
(Written Reprimand)

Member failed to activate MVR at accident scene.
(Written Reprimand)

Member improperly questioned a suspect and failed to notify the Division of his involvement with the criminal investigation.
(Written Reprimand)

Member displayed unprofessional conduct while off-duty which unintentionally led to a vehicle pursuit.
(WR w/5 day suspension)

Member failed to call in motor vehicle stop, failed to comply with MVR procedures, failed to provide a Compliment/Complaint Form, and utilized offensive language during a motor vehicle stop.
(WR w/3 day suspension)

Member displayed an improper attitude and demeanor during motor vehicle stop.
(WR w/3 day suspension)

Member sent an unprofessional email containing obscene language to civilian employee.
(WR w/5 day Suspension)

Member failed to safeguard issued body armor.
(Written Reprimand)

Member failed to safeguard issued weapon & billfold identification.
(WR w/5 day Suspension)

Member failed to safeguard issued billfold and identification.
(Written Reprimand)

Member failed to safeguard issued identifications and off-duty badge.
(Written Reprimand)

Member failed to follow MVR procedures during motor vehicle stop.
(Written Reprimand)

Member failed to follow MVR procedures during motor vehicle crash investigation.
(Written Reprimand)

Member failed to follow MVR procedures and failed to call-in motor vehicle stop.
(Written Reprimand)

Member failed to follow MVR procedures and failed to call-in motor vehicle stop.
(Written Reprimand)

Member failed to follow Update Outside Employment Request.
(WR w/5 day Suspension)

Member plead guilty to a motor vehicle violation.
(Written Reprimand)

Member failed to follow MVR procedures at the scene of a motor vehicle crash.
(Written Reprimand)

Member failed to follow MVR procedures during a pedestrian contact.
(WR w/3 day Suspension)

Member failed to safeguard issued billfold and identification.
(Written Reprimand)

Member failed to safeguard issued billfold and identification.
(Written Reprimand)

Member failure to follow MVR procedures and failed to call-in motor vehicle stop.
(Written Reprimand)

Member failure to follow MVR procedures during motor vehicle stop.
(Written Reprimand)

Member displayed an improper attitude and demeanor, failed to follow MVR procedures, failed to call-in motor vehicle stop, and failed to document patrol chart.
(Written Reprimand)

Member inappropriately handled a personal family matter while in uniform and utilized troop transportation without authorization.
(WR w/3 Day Suspension)

Member failed to follow MVR Procedures during motorist aid.
(WR w/3 day suspension)

Member displayed an improper attitude and demeanor, failed to follow MVR procedures, failed to call-in motor vehicle stop, and failed to document patrol chart.
(Written Reprimand)

Member utilized improper lighting equipment while on patrol.
(Written Reprimand)

Member failed to safeguard issued duty weapon.
(WR w/5day suspension)

Member displayed an improper attitude and demeanor.
(Written Reprimand)

Member failed to safeguard issued off-duty badge and identification.
(Written Reprimand)

**** Note: Some issued Written Reprimands encompass multiple violations.***

The intake and disposition of complaints is an ongoing process. During internal investigations, cases may be reclassified as a result of information obtained during the investigatory process. During the year, the Division consistently shares case data with the Office of Law Enforcement Professional Standards within the Office of the Attorney General. Due to the fluid nature of internal investigations and the directions taken during internal investigations, slight numerical differences may exist if compared historically.

The following chart contains a summary of all disciplinary actions undertaken in misconduct cases completed during the period from January 1, 2010, through December 31, 2010:

SUMMARY OF COMPLETED CASES
REPORTING PERIOD: JANUARY 1, 2010 THROUGH DECEMBER 31, 2010

CORRECTIVE ACTIONS TAKEN FOR CASES BY CATEGORY IN YEAR 2010					
COMPLAINT CLASSIFICATION	COUNSELING/ PERFORMANCE NOTICE ISSUED	WRITTEN REPRIMAND ISSUED	SUMMARY DISCIPLINARY HEARING HELD	GENERAL DISCIPLINARY HEARING HELD	NO FURTHER ACTION
IMPROPER SEARCH	0	1	0	0	92
THEFT	0	0	1	2	0
ASSAULT	0	0	0	2	3
EXCESSIVE FORCE	1	1	0	0	74
DIFFERENTIAL TREATMENT	14	0	1	0	59
OTHER HARASSMENT	1	2	0	1	5
DOMESTIC VIOLENCE	0	0	0	3	13
DRUG VIOLATION	0	0	0	0	0
ALCOHOL VIOLATION	0	1	0	8	4
FALSE ARREST	0	0	0	0	6
FAILURE TO PERFORM DUTY	2	1	1	1	3
DRIVING VIOLATION	0	1	0	0	1
ATTITUDE AND Demeanor	3	5	0	0	11
ADMIN. VIOLATION	0	8	1	3	5
OTHER	6	12	3	11	3
TOTALS	32	32	7	33	279

***NOTE: IN SOME CASES, REPORTABLE INCIDENTS CONTAIN MULTIPLE ALLEGATIONS AND PRINCIPALS. THE OPS CLASSIFICATION HIERARCHY POLICY CLASSIFIES REPORTABLE INCIDENTS INTO ONE COMPLAINT CLASSIFICATION CATEGORY.**

PROSECUTION FOR FALSE CITIZEN COMPLAINTS

As can be seen from this report, the Division of State Police takes citizen complaints seriously and fully investigates them. However, if a complaint is found to be fabricated and maliciously pursued, the complainant may be subject to criminal prosecution. *During 2010, charges were filed against one individual for filing a false complaint against Division members.*

COMPLIMENTS

In addition to monitoring troopers' conduct to ensure conformance to the highest standards, the Division of State Police also accepts and appreciates all compliments submitted by the public regarding troopers' conduct. **During 2010, the Division received one thousand, one hundred and thirty-seven (1,137) citizen compliments regarding actions by enlisted members.** These citizen compliments were received in one of the following manners: citizen generated letters of appreciation, the New Jersey State Police Citizen Compliment/Complaint Form, the Office of Professional Standards Toll-free Compliment/Complaint Hotline, and e-mails.