

NEW JERSEY STATE POLICE  
OFFICE OF PROFESSIONAL  
STANDARDS  
INTERNAL INVESTIGATION AND  
DISCIPLINARY PROCESS  
ANNUAL REPORT  
2006



HONOR ☆ DUTY ☆ FIDELITY

|                                                                       |    |
|-----------------------------------------------------------------------|----|
| From the Superintendent . . . . .                                     | 4  |
| Executive Summary . . . . .                                           | 5  |
| Office of Professional Standards . . . . .                            | 5  |
| Internal Affairs Investigation Bureau . . . . .                       | 5  |
| Intake and Adjudication Bureau . . . . .                              | 5  |
| Intake Unit . . . . .                                                 | 5  |
| Administrative Internal Proceedings Unit . . . . .                    | 5  |
| Management Review Unit . . . . .                                      | 6  |
| Staff Inspection Unit . . . . .                                       | 6  |
| Civil Proceedings Unit . . . . .                                      | 6  |
| 2006 Organizational Chart (Table) . . . . .                           | 7  |
| Office of State Police Affairs . . . . .                              | 8  |
| State Police Disciplinary Process . . . . .                           | 8  |
| Complaint Process . . . . .                                           | 9  |
| Five Year Comparison of Number of Incidents Reported (Chart)          |    |
| . . . . .                                                             | 10 |
| Classification of Reported Incidents . . . . .                        | 11 |
| Misconduct . . . . .                                                  | 11 |
| Performance . . . . .                                                 | 11 |
| Administrative . . . . .                                              | 11 |
| EEO / AA Investigations Forwarded to O.P.S. for Disciplinary Action   |    |
| . . . . .                                                             | 11 |
| Compliance Investigations Forwarded to O.P.S. for Disciplinary Action |    |
| . . . . .                                                             | 11 |
| Five Year Breakdown of Incident Classifications (Table)               |    |
| . . . . .                                                             | 12 |
| Origin of Complaints . . . . .                                        | 12 |
| FIVE YEAR COMPARISON OF COMPLAINT SOURCES (Chart)                     |    |
| . . . . .                                                             | 14 |

|                                                                                     |    |
|-------------------------------------------------------------------------------------|----|
| Criminal Proceedings Involving Division Members                                     | 15 |
| Line of Duty: Citizen Initiated Criminal Matters                                    | 15 |
| On-duty Conduct: State Police or Other Law Enforcement Agency Initiated Proceedings | 15 |
| Off-duty Conduct                                                                    | 16 |
| Assignment of Investigations                                                        | 16 |
| Allegations and Outcomes                                                            | 16 |
| Substantiated                                                                       | 16 |
| Unfounded                                                                           | 17 |
| Exonerated                                                                          | 17 |
| Insufficient evidence                                                               | 17 |
| Cases Completed in 2006                                                             | 17 |
| SUMMARY OF COMPLETED CASES (Table)                                                  | 18 |
| Misconduct Investigations Opened in 2006                                            | 19 |
| Summary of New Complaints                                                           | 19 |
| SUMMARY OF NEW COMPLAINTS (Table)                                                   | 20 |
| Completed Discipline                                                                | 21 |
| General Disciplinary Hearing                                                        | 21 |
| Summary Disciplinary Hearing                                                        | 21 |
| Minor Discipline                                                                    | 21 |
| Synopsis of Major Discipline                                                        | 21 |
| Synopsis of Minor Discipline                                                        | 23 |
| Prosecutions for False Citizen Complaints                                           | 26 |
| Compliments                                                                         | 26 |

FROM THE SUPERINTENDENT...

I am pleased to present the Governor, the Legislature and the citizens of New Jersey with the New Jersey State Police, 2006 Office of Professional Standards Annual Report ("the report"). The State Police began producing this report in 2000 in response to legislation whose purpose was to provide the public with an ability to examine and be reassured that the internal affairs function of the State Police is truly operating in a trustworthy and acceptable manner. Since that time, the annual report has been published containing information and in a format designed to satisfy that concern. This year is no exception. Herein, the reader will find 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 2006.

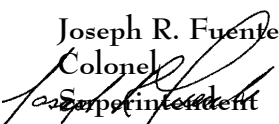
A law enforcement entity in a democratic society can tie its effectiveness directly to the level of trust it enjoys within the community it serves. A significant factor in gaining and maintaining that trust is ensuring that there is a strict allegiance to a highly professional, transparently operated internal affairs function. It necessarily follows then that the execution of the internal affairs function of a truly professional law enforcement entity is a demanding and dynamic undertaking which requires no less than eternal vigilance. I believe that a fair review of the 2006 Annual Report will support the proposition that the New Jersey State Police continues its commitment to eternal vigilance in this regard.

Space and purpose prohibit my restating facts, figures and analysis here which are much more deliberately and appropriately reported within the following pages. However, to concisely make an important point, it is worth citing that the New Jersey State Police rank and file engaged in over two million police/citizen contacts during the calendar year 2006. Every single complaint stemming from those contacts (in addition to any non police-action complaints) reported to the OPS was, without exception, assigned a number, classified, administered and addressed according to the long-accepted system currently in place.

To further ensure that our highly developed system of checks and balances is intact and perennially reliable, the Office of State Police Affairs (OSPA), Office of the Attorney General, continues in its role as independent auditor of the OPS' functions. Twice annually, the OSPA 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 have reinforced the proposition that the OPS continues to operate at a high level of proficiency with impeccable allegiance to police accountability.

My commitment to the mission of the Office of Professional Standards remains paramount and my support for the function 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 2006 Office of Professional Standards Annual Report.

Honor, Duty, and Fidelity

Joseph R. Fuentes  
Colonel  
  
Joseph R. Fuentes

## 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 2006 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, 2006, the Office of Professional Standards consisted of 72 persons. This includes 17 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.

## INTAKE AND ADJUDICATION BUREAU

The Intake and Adjudication Bureau is also commanded by a captain, as bureau chief, and lieutenant, as assistant bureau chief. The bureau is divided into four 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, tracking civil complaints against the Division and its members, and also acts as a liaison between the Office of Professional Standards and the Office of the Attorney

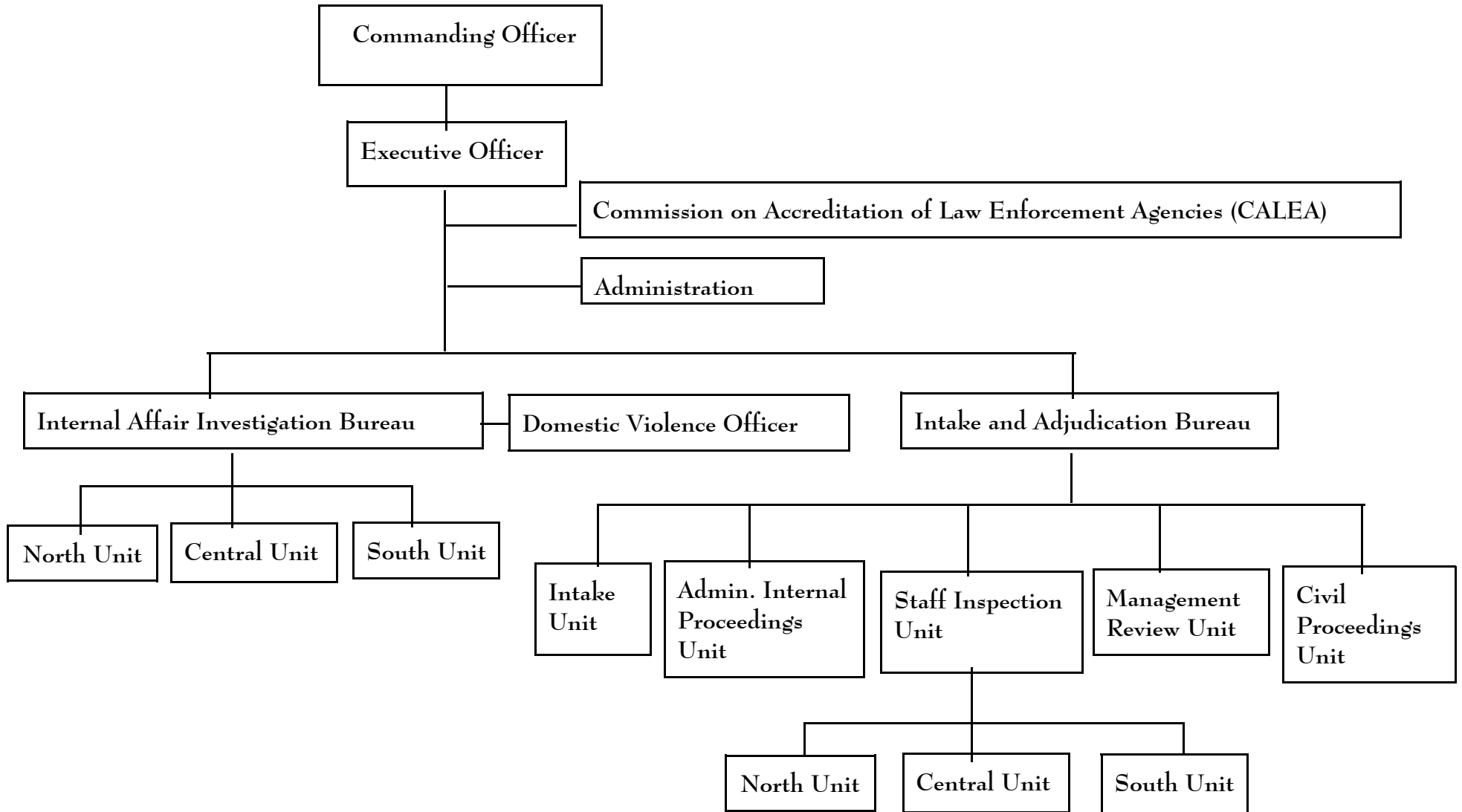
General, Office of State Police Affairs, Division of Law, and the Office of Administrative Law.

**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 and classifying 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, 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 2006 Organizational Chart



## OFFICE OF STATE POLICE AFFAIRS

The Office of State Police Affairs, within the Office of the Attorney General, was established by the Attorney General in 1999 as an external entity to the State Police that continues to work jointly with the Division reviewing all complaints, investigations and adjudications handled by the Office of Professional Standards. The Office of State Police Affairs also has the authority and staff to conduct its own investigations as well as to handle matters at the request of the State Police.

In addition to its direct monitoring work, the Office of State Police Affairs functions as the liaison between the State Police, the Independent Monitoring Team, and the Department of Justice's Civil Rights Division.

The commitment by the State of New Jersey, the Attorney General, and the Superintendent to the most thorough, fair, and efficient system possible is demonstrated by the dedication to the investigative and support personnel assigned to the Office of Professional Standards and the development and acquisition of a state of the art information technology case tracking system.

## STATE POLICE DISCIPLINARY PROCESS

The New Jersey State Police is a statewide police organization that provides a full range of police services. During 2006, the sworn complement was 3,009 at its highpoint. The civilian complement peaked at 1,565. In 2006, troopers were involved in an excess of two million 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.<sup>1</sup>

The State Police, as an employer, is made up of 4,574 employees including the aforementioned sworn members and the Division's civilian professional and support personnel. Due to the unique mission of the State Police, the Office of Professional Standards handles complaints from the public about troopers' conduct and allegations of criminal conduct by members.

---

<sup>1</sup>State of New Jersey v. State Troopers Fraternal Association, 134 N.J. 393, 416 (1993)



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. Complaints may be made in person at any State Police facility, by telephone or fax, or through the mail. The Office of Professional Standards does not accept direct e-mail complaints, but other state agencies, such as the Office of the Attorney General, Citizen Services, occasionally forward complaints of this nature that they receive. These include anonymous complaints, complaints from third party witnesses, and complaints from parties not directly involved in the incident from which an allegation arises. Notwithstanding the occurrence of citizens requesting to withdraw a previously made complaint, the investigation is continued with or without the assistance of the citizen making the complaint. 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 Division also investigates the additional potential misconduct to its logical conclusion.

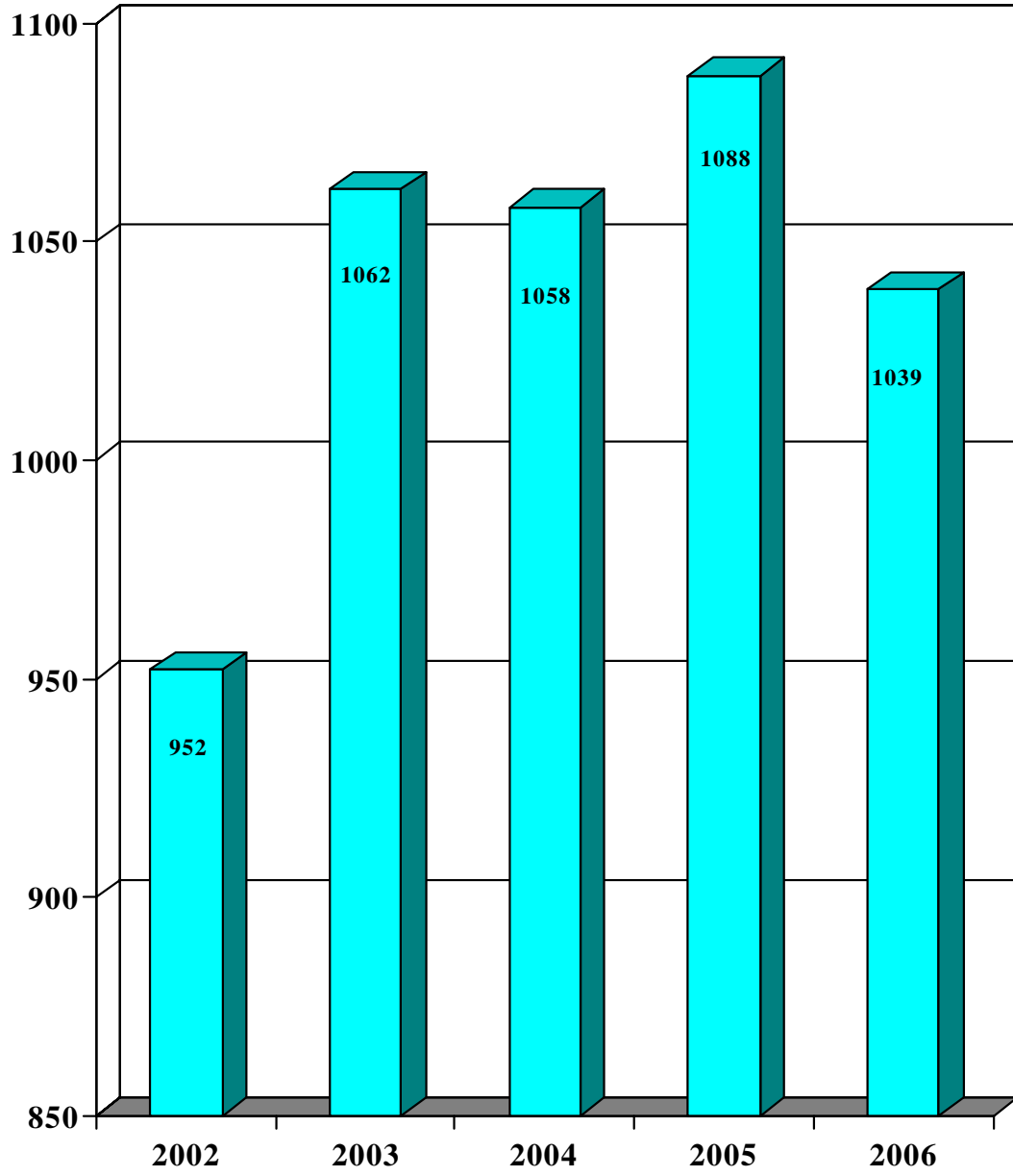
The Intake Unit of the Office of Professional Standards is responsible for receiving, documenting, processing, classifying, and disseminating all complaints against sworn members of the New Jersey State Police alleging misconduct or violations of State Police Rules and Regulations. This includes complaints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

During 2006, 1,039 total incidents were reported and classified compared to 1,088 in 2005. This represents a 4.5% decrease in the number of reportable incidents received in the year 2006 over those received in the year 2005, while the total number of the Division's enlisted personnel increased by 12 enlisted members or a 0.5% increase for the same period.

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

Finally, the Office of State Police Affairs, within the Office of the Attorney General, external to the State Police, accepts and investigates complaints while 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.

Five Year Comparison of Number of Incidents Reported



## CLASSIFICATION OF REPORTED INCIDENTS

### MISCONDUCT

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

### PERFORMANCE

When a complaint is reviewed and it is determined that an enlisted member of the Division committed a minor infraction, the matter is classified as a Performance Issue. These matters are returned to the members' 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 standard 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 INVESTIGATION FORWARDED TO O.P.S. FOR DISCIPLINARY ACTION

When the Division's operations, under the review auspices of the "Office of Workplace Policy, Administrative, and Enforcement", conducts an investigation, in which allegations are substantiated against enlisted members, those cases are forwarded to the Office of Professional Standards for adjudication and disciplinary action.

### COMPLIANCE INVESTIGATIONS FORWARDED TO O.P.S. FOR DISCIPLINARY ACTION

When the Administrative Absence Unit in the Human Resource Management Bureau detects and substantiates a violation of the Division's medical leave policy, it forwards the case to the Office of Professional Standards for adjudication and disciplinary action.

## Five Year Breakdown of Incident Classifications

|                                                                  | 2002 | 2003  | 2004  | 2005  | 2006  |
|------------------------------------------------------------------|------|-------|-------|-------|-------|
| MISCONDUCT                                                       | 391  | 414   | 407   | 413   | 345   |
| PERFORMANCE                                                      | 262  | 300   | 232   | 277   | 220   |
| ADMINISTRATIVE ISSUES                                            | 294  | 340   | 414   | 398   | 472   |
| COMPLIANCE                                                       |      | 2     | 4     | 0     | 0     |
| EEO / AA INVESTIGATIONS<br>FORWARDED TO O.P.S. FOR<br>DISCIPLINE | 5    | 6     | 1     | 0     | 2     |
| TOTALS                                                           | 952  | 1,062 | 1,058 | 1,088 | 1,039 |

## ORIGIN OF COMPLAINTS

In 2006, of the 345 total misconduct complaints, 226 (66%) were initiated by members of the public and 119 (34%) were initiated internally. Of the misconduct complaints initiated by the public, 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 220 reportable incidents which were classified as Performance Issues; 198 (90%) of these complaints were initiated by members of the public and 22 (10%) were initiated internally. For the purposes of the chart displayed on page 17, the cumulative number of Performance Issues and Misconduct Complaints is being used.

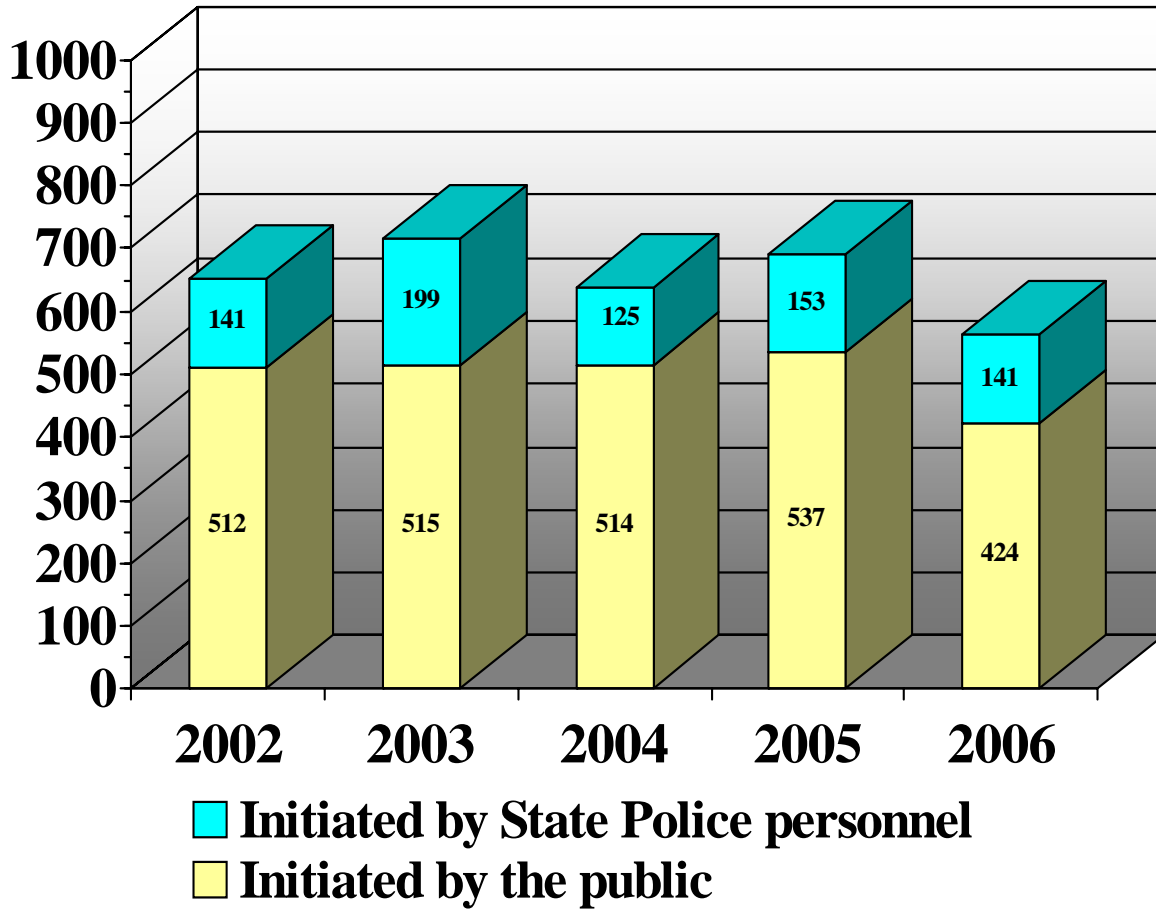
In 2005, of the 413 total misconduct complaints, 286 (69%) were initiated by members of the public and 127 (31%) were initiated internally. Of the misconduct complaints initiated by the public, 152 (53%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received 277 reportable incidents which were classified as Performance Issues; 251 (91%) of these complaints were initiated by members of the public and 26 (9%) were initiated internally.

In 2004, of the 407 total misconduct complaints, 301 (74%) were initiated by members of the public and 106 (26%) were initiated internally. Of the misconduct complaints initiated by the public, 156 (51.8%) 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 232 reportable incidents which were classified as Performance Issues; 213 (92%) of these complaints were initiated by members of the public and 19 (8%) were initiated internally. For the purposes of the chart displayed below, the cumulative number of Performance Issues and Misconduct Complaints is being used.

In 2003, of the 414 misconduct complaints received, 263 (63.5%) were initiated by members of the public and 151 (36.5%) were initiated internally. Of the misconduct complaints initiated by the public, 131 (49.8%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, of the 300 reportable incidents classified as Performance Issues, 252 (84%) resulted from citizen complaints and 48 (16%) were initiated internally. For the purposes of the chart displayed below, the cumulative number of Performance Issues and Misconduct Complaints is being used.

In 2002, 262 cases that would have previously been considered Misconduct were classified as Performance Issues. In addition, 391 matters were classified as Misconduct. The total of these two categories, 653 cases, required management intervention on the part of the Division. For the purposes of the chart displayed below, the cumulative number of Performance Issues and Misconduct Complaints is being used. Of the 653 combined cases, 512 (78%) were initiated by the public and 141 (22%) were internally generated.

FIVE YEAR COMPARISON OF COMPLAINTS SOURCES  
FOR MISCONDUCT AND PERFORMANCE MATTERS



## CRIMINAL PROCEEDINGS INVOLVING DIVISION MEMBERS

The Office of Professional Standards investigates all matters where 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. Each matter represented below is the subject of a pending internal investigation.

Between January 1, 2006 and December 31, 2006, the following criminal complaints were signed or were pending against members of the Division:

### LINE OF DUTY: CITIZEN INITIATED CRIMINAL MATTERS

On occasion, criminal charges are filed against members of the Division for incidents alleged to have occurred on-duty. Most are filed by individuals (not law enforcement agencies), who were charged with motor vehicle and/or criminal offenses by a member. These cases are reviewed and a determination is made whether the members' actions were within the scope of their official duties and legally defensible.

During 2006, there were no criminal charges filed by citizens against members while performing their official duties.

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

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

During 2006, the following are cases in which criminal charges were brought against members by the State Police or other law enforcement agencies.

A member was charged with the illegal possession and distribution of CDS and other related charges. The member plead guilty and was terminated.

A member was charged with gambling, money laundering and other related charges. The member plead guilty and was terminated.

## 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 2006, the following off-duty incidents were investigated:

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

Member was charged theft and other related charges. The charges are pending a judicial hearing.

Member was charged with invasion of privacy. The member plead guilty and resigned.

Member was charged with Official Misconduct and Forgery. The member plead guilty and was terminated.

Member was charged with leaving the scene of a serious motor vehicle accident. The member plead guilty and was terminated.

Member was charged with extortion and other related charges. The member plead guilty and was terminated.

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 345 misconduct cases assigned in 2006, 322 were assigned to Internal Affairs Bureau investigators, 12 were referred to the Office of State Police Affairs for investigation, and 11 were assigned to other State Police supervisory personnel for investigation.

## 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” where there is insufficient evidence to decide whether the alleged act occurred.

## CASES COMPLETED IN 2006

Of the 406 investigations completed in 2006, 283 (70%) were the result of citizen complaints. Of these cases, 48 (17%) resulted in substantiated primary or secondary allegations.

Of the 406 internal investigations completed in 2006, 123 (30%) were the result of internally generated complaints. Of these cases, 76 (62%) resulted in substantiated primary or secondary allegations.

Of the 406 completed investigations in 2006, 124 (31%) resulted in a substantiated original allegation or secondary allegations.

The total of 406 completed investigations included 2 (0.5%) from 2002, 7 (1.5%) from 2003, 20 (5%) from 2004, 211 (52%) from 2005 and 166 (41%) from 2006.

The table below represents case level findings and actions taken for the 406 cases closed in 2006. Cases were classified according to the most serious allegation in that case, and the disciplinary action reported is the result of that substantiated allegation. The number of disciplinary actions is commensurate with the number of cases where there were substantiated allegations. Secondary allegations and multiple principals are not addressed in this table.

**SUMMARY OF COMPLETED CASES**  
**REPORTING PERIOD: JANUARY 1, 2006 THROUGH DECEMBER 31, 2006**

| Cases Completed by Category in Year 2005 |                                                   |                           |                                    |                                    |                                |
|------------------------------------------|---------------------------------------------------|---------------------------|------------------------------------|------------------------------------|--------------------------------|
| Complaint Classification                 | Counseling / Counseling Performance Notice Issued | Written Reprimands Issued | Summary Disciplinary Hearings Held | General Disciplinary Hearings Held | No Further Action <sup>2</sup> |
| Improper Search                          | 1                                                 | 1                         |                                    |                                    | 7                              |
| Theft                                    | 2                                                 |                           |                                    | 1                                  | 5                              |
| Assault                                  |                                                   |                           |                                    |                                    | 5                              |
| Excessive Force                          |                                                   |                           |                                    |                                    | 44                             |
| Differential Treatment                   |                                                   |                           |                                    |                                    | 85                             |
| Other Harassment                         | 1                                                 |                           |                                    |                                    | 3                              |
| Domestic Violence                        |                                                   | 4                         | 1 <sup>3</sup>                     |                                    | 10                             |
| Drug Violation                           |                                                   |                           |                                    |                                    |                                |
| Alcohol Violation                        |                                                   |                           |                                    |                                    |                                |
| Failure to Perform Duty                  | 3                                                 | 5                         | 3 <sup>4</sup>                     | 2 <sup>5</sup>                     | 9                              |
| Driving Violation                        |                                                   |                           |                                    |                                    | 3                              |
| Attitude and Demeanor                    | 2                                                 | 2                         |                                    |                                    | 9                              |
| Admin. Violations                        | 4                                                 | 21                        | 1                                  | 5 <sup>6</sup>                     | 14                             |
| Other                                    | 10                                                | 15 <sup>7</sup>           | 18 <sup>8</sup>                    | 4 <sup>9</sup>                     | 106                            |
| <b>TOTALS</b>                            | <b>23</b>                                         | <b>48</b>                 | <b>23</b>                          | <b>12</b>                          | <b>300</b>                     |

<sup>2</sup>Includes cases closed as Insufficient Evidence, Unsubstantiated, Unfounded, Exonerated and Administratively Closed.

<sup>3</sup>One member retired prior to the imposition of discipline.

<sup>4</sup>One member was terminated as a result of discipline.

<sup>5</sup>Two members retired prior to the imposition of discipline.

<sup>6</sup>Three members retired prior to the imposition of discipline.

<sup>7</sup>Two members retired prior to the imposition of discipline.

<sup>8</sup>Six members were terminated as a result of discipline and two members retired prior to the imposition of discipline.

<sup>9</sup>One member was terminated as a result of discipline.

## MISCONDUCT INVESTIGATIONS OPENED IN 2006

There were 345 misconduct investigations opened in 2006. The following paragraphs report the status of these cases as of December 31, 2006. Of these cases, 226 were initiated as the result of citizen complaints and 119 cases were opened because of complaints made by State Police supervisors or other members.

Of the 226 citizen initiated investigations, 104 (36%) remain active, 22 (8%) are in the review process or pending discipline, 76 (34%) have been completed, and 24 (8%) have been suspended pending court action or other administrative action. Of the 76 completed, 18 (24%) resulted in substantiated primary or secondary allegations.

Of the 119 complaints initiated by State Police supervisors or members, 31 (26%) remain active, 21 (18%) are in the review process or pending discipline, 58 (49%) have been completed, and 9 (7%) have been suspended pending court action or other administrative action. Of the 58 completed, 37 (64%) 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 2006 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 2006, which includes complaints from 2006 and earlier:  
Please refer to the tables on the following page.<sup>10</sup>

---

<sup>10</sup>Note: The intake and disposition of complaints is an ongoing process. During investigations, matters may be reclassified. During the year, the Division also reports case data to the federal monitors as well as to the Office of the Attorney General which each publish case data. Due to the fluid nature of the handling of these matters, slight numerical differences may exist if the reports are compared.

SUMMARY OF NEW COMPLAINTS  
REPORTING PERIOD: JANUARY 1, 2006 THROUGH DECEMBER 31, 2006

| 2006 Cases Received by Category for Internal Investigation |            |            |                                  |
|------------------------------------------------------------|------------|------------|----------------------------------|
| Complaint Classification                                   | Origin     |            | Principals<br>(Involved Members) |
|                                                            | Public     | SP         |                                  |
| Improper Search                                            | 2          | 0          | 2                                |
| Theft                                                      | 2          | 2          | 7                                |
| Assault                                                    | 1          | 0          | 1                                |
| Excessive Force                                            | 31         | 1          | 79                               |
| Differential Treatment                                     | 78         | 0          | 98                               |
| Other Harassment                                           | 2          | 1          | 6                                |
| Domestic Violence                                          | 2          | 9          | 13                               |
| Drug Violation                                             | 0          | 0          | 0                                |
| Alcohol Violation                                          | 0          | 0          | 0                                |
| Failure to Perform Duty                                    | 4          | 11         | 19                               |
| Driving Violation                                          | 1          | 6          | 7                                |
| Attitude and Demeanor                                      | 19         | 0          | 21                               |
| Admin. Violations                                          | 4          | 46         | 66                               |
| Other                                                      | 80         | 43         | 185                              |
| <b>TOTALS</b>                                              | <b>226</b> | <b>119</b> | <b>504</b>                       |

## 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                                                                                   |

## SYNOPSIS OF MAJOR DISCIPLINE

The following is a synopsis of discipline imposed as a result of General Disciplinary Hearings convened during the calendar year 2006<sup>11</sup>:

Member plead guilty to acting to his personal discredit and to the discredit of the Division by entering a retail store while on authorized duty leave and exercised control over retail merchandise without purchasing same. Member was suspended for 365 days.

Member plead guilty to acting to his personal discredit and to the discredit of the Division by creating a fictitious official document and failing to respond to municipal ordinance violations for dog licensing and registration violations. Member was suspended for 60 days.

Member plead guilty to acting to his personal discredit and to the discredit of the Division by creating an intentional false report, acting in an inappropriate manner towards another member of the Division, disobeying a direct order and failure to take appropriate police action. The member was suspended for 60 days.

Member plead guilty to acting to his personal discredit and to the discredit of the Division by engaging in conspiracy to commit extortion. Member plead guilty in federal court. The member was terminated.

Member plead guilty to acting to his personal discredit and to the discredit of the Division by engaging in an illegal gambling enterprise. Member plead guilty in NJ Superior Court. Member was terminated.

---

<sup>11</sup> 7 Members retired/resigned prior to scheduled disciplinary hearings.

Member plead guilty to acting to his personal discredit and to the discredit of the Division by engaging in an illegal counterfeit check scheme. Member plead guilty in NJ Superior Court. Member was terminated.

Member plead guilty to acting to his personal discredit and to the discredit of the Division by surreptitiously photographing a woman while engaged in a sex act. The member plead guilty in NJ Superior Court. The member resigned from the Division.

Member plead guilty to acting to his personal discredit and to the discredit of the Division by engaging in the illegal sale and possession of CDS. The member plead guilty in NJ Superior Court. The member was terminated.

Member plead guilty to acting to his personal discredit and to the discredit of the Division by leaving the scene of a serious motor vehicle accident with injuries while on authorized duty leave. The member plead guilty in NJ Superior Court. The member was terminated.

The following is a synopsis of discipline imposed as a result of Summary Disciplinary Hearings convened during the calendar year 2006:

Member was found guilty of acting to his personal discredit and to the discredit of the Division by becoming involved in an altercation with another motorist while on authorized duty leave, and failing to notify the Division of the incident. The member was suspended for 10 days.

Member was found guilty of acting to his personal discredit and to the discredit of the Division by wearing an inappropriate article of clothing while on authorized duty leave. The member was suspended for 30 days.

Member plead guilty to acting to his personal discredit and to the discredit of the Division by abusing his sick leave. Member was suspended for 20 days.

Member plead guilty to acting to his personal discredit and to the discredit of the Division by acting in an inappropriate manner with a female while in a bar, while on authorized duty leave. The member was suspended for 10 days.

Member plead guilty to acting to his personal discredit and to the discredit of the Division by providing false information to a county surrogate's office, while on authorized duty leave. The member was suspended for 6 days.

Member plead guilty to acting to his personal discredit and to the discredit of the Division by leaving his post without permission and creating a false report. The member was suspended for 6 days.

Member plead guilty to acting to his personal discredit and to the discredit of the Division by failing to safeguard division equipment and failing to notify the division of matters to which the division would take cognizance. The member was suspended for 10 days.

Member plead guilty to acting to his personal discredit and to the discredit of the Division by failing to perform duty and conflict of interest. The member was suspended for 14 days.

Member plead guilty to acting to his personal discredit and to the discredit of the Division by leaving his post without permission, creating a false report, and disobeying a direct order. The member was suspended for 10 days.

Member plead guilty to acting to his personal discredit and to the discredit of the Division for his failure to take the appropriate police action and false reports. The member was suspended for 15 days.

Member plead guilty to acting to his personal discredit and to the discredit of the Division by making inappropriate comments while on authorized duty leave, in the residence of another member while intoxicated. The member was suspended for 10 days.

Member plead guilty to acting to his personal discredit and to the discredit of the Division by becoming involved in a physical altercation while on authorized duty leave. The member was suspended for 6 days.

Member plead guilty to acting to his personal discredit and to the discredit of the Division by disobeying a direct order. The member was suspended for 10 days.

## SYNOPSIS OF MINOR DISCIPLINE

In addition to disciplinary hearings, during the year 2006, there were 65 Written Reprimands issued by the Superintendent for a variety of offenses. These include suspensions from 0 to 5 days. The following is a synopsis of Written Reprimands<sup>12</sup> issued by the Superintendent:

Failure to safeguard Division property (NJSP identification cards/billfold)

Failure to obey direct written order and logging false information on a patrol chart.

For unprofessional attitude and demeanor displayed during a motor vehicle stop.

Failure to notify Division of information of information to which it takes cognizance.

---

<sup>12</sup>Some issued Written Reprimands encompass multiple violations.

Failure to promptly report off-duty troop car accident.

Questionable conduct displayed off duty.

Questionable conduct displayed on duty and bringing personal discredit to the Division.

Supervising squad members in a culpable inefficient manner and for failure to activate MVR.

Failing to obey a direct written order.

Failing to obey a direct verbal and written order.

Questionable conduct off duty and inappropriate behavior towards another enlisted member.

Culpable inefficiency regarding an improper search.

Violation of the Attorney General's Plain Language Ethics Guide.

Questionable conduct off-duty and associating with an individual of questionable character.

Failure to Call in MV Stop and document MV Stop on Patrol Chart.

Failure to notify ODU of pursuit and street paralleling during pursuit.

Failing to appear in municipal court resulting in lack of prosecution.

Questionable conduct on-duty, inappropriate comment to junior member of the Division.

Failure to notify citizen of right to file a complaint.

Questionable conduct off-duty, inappropriate comments to wife.

Failure to properly safeguard Division property. (MVR Tape)

Questionable conduct- off duty, failure to repay \$5,000.00 loan

Failure to comply with Division's Pursuit Policy, SOP

Questionable Conduct On-Duty. (Collaborating with another student during test)



Failing to Appear in Court after receiving legal notice.

Failure to properly investigate MV accident.

Failure to properly safeguard Division property. (Portable Radio)

Unauthorized Release of Information .

Failure to properly safeguard Division property. (Class "A" Hat and hat badge)

Entering false or misleading information into any Division book or record.

Failure to report alleged misconduct of a Division member.

Leaving assigned post without authorization.

Failure to notify division of court ordered weapons restriction.

Failure to safeguard equipment (service weapon).

Failure to call-in stop, activate MVR, and document stop on patrol chart.

For Questionable Conduct Off-Duty and Failure to Notify Division.

Questionable Conduct Off-Duty. (Inappropriate action towards girlfriend)

Failure to Activate Mobile Video Recorder.

Failures to Comply with Municipal Ordinances.

Failure to Respond to the Scene of a D.V. Incident involving a Division Member in a Timely Manner.

Improper prisoner transport, unsafe stop procedures, failure to document on patrol chart.

Providing erroneous information on a report (Written Reprimand)

Disobeying a direct order. (Written Reprimand)

## PROSECUTIONS FOR FALSE CITIZEN COMPLAINTS

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 2006, charges were filed against one individual for filing a false complaint against Division members.

## COMPLIMENTS

During 2006, the Division of State Police received 1,579 citizen compliments regarding actions by enlisted members. The aforementioned citizen compliments were received in one of the following four 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.