

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE

file

MEMORANDUM

TO: Director Paul H. Zoubek

FROM: *DS* Deputy Director Debra L. Stone

DATE: February 22, 1999

SUBJECT: PROBLEMS AND ISSUES IN DIVISION OF STATE POLICE

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1.

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2. DE FACTO V. DE JURE DISCRIMINATION

The State Police have plenty of documentation to say that a Trooper should not engage in selective prosecution. However, when you leave the academy you are assigned a coach and his job is to teach you how to get ahead. Trooper after Trooper has testified that the coach taught them how to profile minorities. The coaches also teach this to minority Troopers. They even have nicknames for different procedures. It's not written, it's practiced. There are written SOPs which say you should treat all Troopers the same, but in the barracks racial slurs are common, minority Troopers are given the worst assignments and not promoted, and they are subject to physical harassment. Not all Troopers engage in profiling. However, there is a perception that to get ahead you must make "good arrests." There are arrests where guns, drugs or money are recovered. The perception among young Troopers is that you are more likely to make a good arrest if you stop minorities. This is what they are taught by their coach, enforced by first-line supervisors and tacitly approved by upper management. I would venture a guess that a close review of all activity would reveal shortcuts to good arrests. Whether that is tossing a car, to profiling, to selective prosecution. They have taken most, not all but most, of the really superior cops off the roadway. If one checked you would find the Turnpike to be a place where discipline problems have been dumped and young Troopers assigned. These are "cheap pinches" which have infuriated the rank and file. They are ill-trained in identifying the legitimate signs of drug smuggling, and they resort to this type of activity to get ahead. Just because you get a conviction does not mean you are free to violate constitutional rights. The end does not justify the means. This is what many in the State Police do not get. It was clearly reflected in the latest press release where they had a disproportional number of minorities being arrested. They justified this by saying that they had a high conviction rate. Again, the attitude is that the end justifies the means.

3. TRACKING OF CIVIL SUITS

We treat all civil suits like we did nothing wrong. Lately several Troopers have filed suits claiming sexual and racial discrimination. More are to follow. At least one Trooper successfully obtained a verdict against the State Police. The civil suits filed by citizens are not investigated to determine if there is a particular problem with a Trooper or his chain of command. The Christopher Commission found that the Los Angeles Police Department failed to properly investigate the initial claims and that led to civil suits. The greatest number of suits were filed against a small number of police officers. Thus, relatively few police officers were sued a lot. This can be an key indicator of a problem with that police officer.

4. INTERNAL AFFAIRS DOES NOT CONDUCT MOST INTERNALS. TASK IS ASSIGNED TO INEXPERIENCED SERGEANTS.

These assignments have always been considered a second job to be done once your primary assignments are completed. Many times it is not taken seriously. They will prosecute you for drawing pictures or characters of a captain but not for tossing cars. Corollary to these problems is the concept that the complainant in internals is not being truthful. Most IAB internals conducted by non-IAB personnel start with the premise that the complainant is lying for some ulterior motive. Basically, the complainant has to prove beyond a reasonable doubt that the Trooper engaged in wrongful activity. Even when the Trooper engaged in wrongful activity the act would not come to light to Prosecutors unless someone in the State Police determined that criminal action was required.

5. INEFFECTIVE INTERNAL AFFAIRS SPOT CHECKING

There are no standards of what is acceptable when IAB conducts a spot inspection and discovers a high number of minority stops occurring. There is no real program in place to check to see if the stops are accurately called in. There is no real mechanism to determine if cars are being tossed. There is no program or discipline procedure in the event that a Trooper is found to have a high number of minority stops. Further, there is no prosecutorial review unless forwarded.

6. SELF POLICING WITH A POLICY OF NONDISCLOSURE

This is a cocktail for disaster. You cannot do your job with a substantial number of citizens believing they cannot drive the roadway for fear of being improperly stopped. This was also the Bissell approach. This is my territory, you won't find anything because I will not tell you anything. My underlings will not cooperate. I will conduct the investigation and you will review only what I give you. I can do no wrong. Public perception is eroded even if you are doing a good job at policing yourself. However, when your own Troopers say

they have been engaging in profiling, your own Troopers say they have been trained to profile, and when you look at the underlying statistics you must admit that there is a problem.

7. LACK OF MECHANISM TO CHECK TO SEE IF RADIO TRANSMISSIONS OF STOPS ARE CORRECT

The State Police will investigate you if your hat is off but will not check to see if your radio transmissions match your patrol log or if you accurately called in the stop. There is no requirement that you list the racial makeup of your stop on your patrol log. Therefore, difficult to check and to charge you with a crime of false reporting.

Failure to call in stops - Too common a practice. Many complaints have been received and could not be fully documented as to improper conduct because the calls are never called in; they are only called in if issuance of a summons or an arrest, or a problem occurs.

First line supervisors improperly trained and fail to review records (patrol logs, etc.)

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8. FAILURE TO ABIDE BY POLICE TRAINING COMMISSION STANDARDS

Lack of uniform training Statewide and the secretive nature of State Police's training lead to deep distrust and suspicion as to what is being taught. State Police should be brought under the auspices of the Police Training Commission.

9. INEFFECTIVE PSYCHIATRIC REVIEW OF TROOPER AFTER A SHOOTING

A Trooper is shipped back to the road as quickly as possible. The psychiatric review is limited and probably not up to standards. The Troopers attempt to get back to the road so that they can up their statistics and not appear weak. Troopers will not avail themselves of services unless ordered and they will not be ordered unless there is clear objective evidence that they are a danger to themselves. Otherwise, "Buck up and get back to work."

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10. PLACING OF INEXPERIENCED TROOPERS ON THE BUSIEST ROADWAYS - THE MONEY ISSUE.

State Police is paid a great deal of money by the Turnpike Authority. State Police charge as if all the Troopers there were senior, staff it with rookies, and pocket the difference.

11. PROMOTIONS

There are no real criteria and no effective tests. It is perceived as who you know and what your stats are. There is no real objective gauge of performance. The performance reviews are not realistic. How can you have that many GREAT individuals. Rarely do the supervisors truthfully evaluate someone on the team. Being a team player includes not disclosing any problems within the State Police to the outside world.

12. TROOPER OF THE YEAR

This is based upon a shifting concept of what is hot that month. If road stops are needed, you increase your road stops. If arrests are needed, your arrest numbers increase. Your goal is to generate the numbers, The collateral damage (i.e., profiling, illegal stops and searches, etc.) is lost in the concept of doing these things for the greater good. It is not based upon pulling someone from a burning wreck but how much cocaine you got, etc. The ends do not justify the means.

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14. INACCURACY OF PRESS RELEASES

Historically, initial press releases given in haste fail to set forth all the facts known or are wrong. This has haunted us, as defense attorneys use it against us in the press and in motions.

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