IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY UNITED STATES OF AMERICA
Plaintiff,
v.
STATE OF NEW JERSEY
and
DIVISION OF STATE POLICE of the NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY.
Defendants.
CIVIL NO. 99-5970(MLC)
JOINT APPLICATION FOR ENTRY OF CONSENT DECREE

Specifically, the proposed Decree includes the following provisions:

1.) *Policy Requirements (¶¶26-28):* State troopers may not rely to an degree on the race or national or ethnic origin of motorists in selecting vehicles for traffic stops and in deciding upon the scope and substance of post-stop actions, except where state troopers are on the look-out for a specific suspect who has been identified in part by his or her race or national or ethnic origin. The State Police shall continue to require that troopers make a request for consent to search only when they possess reasonable suspicion that a search will reveal evidence of a crime, and all consent searches must be based on the driver or passenger giving written consent prior to the initiation of the search.

2.) *Traffic Stop Documentation (¶¶29-34):* State troopers engaged in patrol activities will document the race, ethnic, origin, and gender of all motor vehicle drivers who are the subject of a traffic stop, and also will record information about the reason for each stop and any post-stop action that is taken (including the issuance of a ticket or warning, asking the vehicle occupants to exit the vehicle and frisking them, consensual and non-consensual vehicle searches, uses of force, and arrests).

3.) *Supervisory Review of Individual Traffic Stops (¶¶35-39):* Supervisors regularly will review trooper reports concerning post-stop enforcement actions and procedures, and patrol car video tapes of traffic stops, to ensure that troopers are employing appropriate practices and procedures. Where concerns arise, supervisors may require that the trooper be counseled, receive additional training, or that some other non-disciplinary action be taken. Supervisors also can refer specific incidents for further investigation, where appropriate.

4.) *Supervisory Review of Patterns of Conduct (¶¶40-56):* The State will develop and implement an early warning system, called the "Management Awareness Program," that uses computerized information on traffic stops, misconduct investigations, and other matters to assist State Police supervisors to identify and modify potentially problematic behavior. At least quarterly, State Police supervisors will conduct reviews and analyses of computerized data and other information, including data on traffic stops and post-stop actions by race and ethnicity. These reviews and analyses, as appropriate, may result in supervisors implementing changes in traffic enforcement criteria, training, and practices, implementing non-disciplinary interventions for particular troopers (such as supervisory counseling or additional training), and/or requiring further assessment or investigation.

5.) *Misconduct Allegations (¶¶57-92):* The State Police will make complaint forms and informational materials available at a variety of locations, will institute a 24-hour toll-free telephone hotline, and will publicize the State Police toll-free number at all State-operated rest stops located on limited access highways. The State also will institute procedures for ensuring that the State Police is notified of criminal cases and civil lawsuits alleging trooper misconduct. Allegations of discriminatory traffic stops, improper post-stop actions, and other significant misconduct allegations will be investigated by the Professional Standards Bureau inside the State Police or by the State Attorney General's Office. All investigations will be properly documented. Where a misconduct allegation is substantiated concerning prohibited discrimination or certain other serious misconduct, discipline shall be imposed. Where a misconduct allegation is not substantiated, the State Police will consider whether non-disciplinary supervisory steps are appropriate.

6.) *Training (¶¶93-109):* The State Police will continue to implement measures to improve training for recruits and incumbent troopers. The training will address such matters as supervisory issues, communication skills, cultural diversity, and the nondiscrimination requirements of the Decree. The State Police also will take steps to continue to improve its trooper coach program for new troopers. The Independent Monitor selected by the parties will evaluate all training currently provided by the State Police regarding traffic stops, and will make recommendations for improvements.

7.) *Auditing by the New Jersey Attorney General's Office (¶¶110-113):* The State Attorney General's Office will have special responsibility for ensuring implementation of the Decree. The Office will conduct various audits of State Police performance, which will include contacting samples of persons who were the subject of a State Police traffic stop to evaluate whether the stops were appropriately conducted and documented. The Office also will audit State Police implementation of the Management Awareness Program, and procedures used for receiving, investigating, and resolving misconduct allegations.

8.) *State Police Public Reports (¶114):* The State Police will issue semiannual public reports containing aggregate statistics on certain law enforcement activities, including traffic stop statistics.

9.) *Independent Monitor (¶¶115-121):* An Independent Monitor, who will be an agent of the court, will be selected by the United States and the State of New Jersey to monitor and report on the State's implementation of the Decree. The responsibilities of the Monitor will include evaluating samples of trooper incident reports, supervisory reviews of incidents, and misconduct investigations, supervisors' use of the Management Awareness Program, and the use of non-disciplinary procedures to address at-risk conduct.

10.) *Decree Term (¶131):* The basic term of the Decree will be five years, however, based on the State's record of compliance, the United States and the Independent Monitor may agree to a request by the State to shorten the term of the Decree if the State has been in substantial compliance for at least two years.

Joint entry of the Decree is in the public interest since it provides for expeditious remedial activity and avoids the diversion of federal and State resources to adversarial actions by the parties. Additionally, the proposed Decree does not conflict with the collective bargaining agreements between the State Police and its troopers as noted in the Decree at 128.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

EASTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff

v.

CITY OF STEUBENVILLE, STEUBENVILLE POLICE DEPARTMENT, STEUBENVILLE CITY MANAGER, in his capacity as Director of Public Safety, and STEUBENVILLE CIVIL SERVICE COMMISSION, Defendants.

CONSENT DECREE

1. The United States brings to action to enforce Section 210401 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141. The United States alleges that officers of the Steubenville Police Department have engaged in a pattern or practice of conduct that deprives persons of rights, privileges, or immunities secured and protected by the Constitution and the laws of the United States, and that the City of Steubenville, the Steubenville Police Department, and the Steubenville City Manager (in his capacity as Director of Public Safety) have caused and condoned this conduct through inadequate policies and failure to train, monitor, supervise, and discipline police officers, and to investigate alleged misconduct.

22. The City shall develop, and require all officers to complete, a written report each time: any type of force is used against an individual; an officer engages in a vehicular pursuit; a firearm is discharged by an officer, except at a firing range; a person in custody receives a serious injury or has received a serious injury while being taken into custody; and any officer is injured in the line of duty. Types of force to be reported include, but are not limited to, body locks, joint locks, mechanical restraints, pressure points, chokes or chokeholds, takedowns, throws, striking weapons, kicks or strikes, chemical weapons, electrical weapons, and lethal weapons (including drawing of a gun and pointing it at a person). No report for use of force needs to be filled out where force was limited to a firm grip and/or use of handcuffs. Reports shall include, at minimum, the following information: officer name and badge number; description of incident; each specific type of force used; the effectiveness of each type of force; description of any injuries to either a civilian or officer, and medical/hospital date; name, race and gender of the person against whom force was used; names and contact information for all witnesses; whether the individual against whom force was used was arrested or cited, and if so, the charges; date, time and location of the incident; and the signatures of the officer and his immediate supervisor.

SUPERVISION OF OFFICERS

64. The City, by and through its officials, agents, employees, and successors, has an affirmative obligation to supervise, monitor, and discipline its officers.

65. The City shall use the following sources as supervisory tools alerting management to potential misconduct, inappropriate behavior, and areas in which additional training or policy modification may be necessary:

a. The reports discussed in ¶¶ 22, 24, and 27;

b. criminal case orders suppressing evidence because of constitutional violations (including violations of the First Amendment, the Fourth Amendment, the Fifth Amendment) or for other reasons, or other judicial findings or comments about SPD misconduct made in the course of a criminal proceeding;

c. civilian complaints;

d. civil suits alleging misconduct by an officer in the course of his or her duties, or against an officer and including allegations of untruthfulness, physical force, racial bias, or domestic violence;

e. criminal arrests or charges against officers;

f. reports of misconduct by officers about other officers.

The reports listed in subparagraph (a) shall be referred to the IA Officer under the terms specified in ¶¶ 23, 25, and 27. Each of the other events listed in this paragraph shall trigger an IA investigation. The IA Officer shall conduct an independent investigation on receipt of the referral, and shall not wait for resolution of a criminal or civil court case. The fact that the City settled a civil litigation shall have no bearing on the need or findings of an IA investigation or on the supervisory or disciplinary results.

66. In addition, the City shall use the information system described in ¶ 71, below, in order to decide on appropriate supervision of officers.

78. The City shall develop and implement a performance evaluation policy for officers. Prior to implementation, the policy must be reviewed by the independent auditor and approved by the United States. The policy shall set out objective, job-relevant criteria, and provide for review of these criteria by each officer. It shall provide that each officer receives periodic face-to-face and written performance evaluations by supervisors during which his or her performance is discussed and evaluated, including recommendations for necessary improvement. Evaluations shall include narrative discussion of the officer's performance, and shall explain fully the weight and substance of all factors used to evaluate an officer. Supervisors shall include in the evaluation consideration of uses of force, civilian complaints, disciplinary actions, injuries, etc., focusing on possible patterns of misconduct or inappropriate action. The performance evaluations shall be part of promotion decisions made about any officer. Anonymous complaints determined by the IA officer after investigation to be uncorroborated may not be the basis of promotion of any officer. Supervisors and senior supervisors' evaluations shall include assessment of their ability to monitor, deter, and appropriately address misconduct or inappropriate action by officers they supervise.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, Plaintiff
v.
CITY OF PITTSBURGH, PITTSBURGH BUREAU OF POLICE, and DEPARTMENT OF PUBLIC SAFETY, Defendants
CONSENT DECREE

MANAGEMENT AND SUPERVISION

12. The United States acknowledges that the City has taken steps to establish a database containing relevant information about its officers, as well as a statistical model to identify and modify the behavior of problem officers (also know as an "early warning system"). The City shall have an automated early warning system in place and operational within twelve (12) months of entry of this Decree.

a. The City's automated early warning system shall collect and record, at a minimum, the following information about an officer; officer name and badge number, citizen complaints, including textual descriptions of the allegations and all fields entered by the City of Pittsburgh Office of Municipal Investigations ("OMI") described in Paragraph 44; hit and non-hit officer-involved shootings; commendations and other indicia of positive performance; discipline imposed and related file numbers; all training, reassignments, transfers and mandatory counseling; status of any administrative claims filed against the City arising from PBP operations; a description of all other civil claims or suits that the officer is a names party to involving allegations of untruthfulness, physical force, racial bias, or domestic violence; a description of all lawsuits filed against the City, the PBP, or its officers arising from PBP operations; all arrests with the location of each arrest, the race of each arrestee, and the code violations(s); and the searches and seizures as documented in the search and seizure reports described in Paragraph 15; use of force as documented in the use of force reports described in Paragraph 15; and traffic stop information documented in the reports described in Paragraph 16.

b. The City's automated early warning system shall have, at a minimum, the capacity to retrieve information in the following categories; individual officer; squad, zone, shift, or special unit; arrests by officer(s) and types of arrests to determine the number of times a particular officer or groups of officers have filed discretionary charges of resisting arrest, disorderly conduct, public intoxication, or interfering with the administration of justice.

c. Data regarding an officer shall be maintained in the automated early warning system during that officer's employment with the PBP and for three(3) years after the officer leaves the PBP. Data regarding an officer that is removed from the automated early warning system shall be maintained in an archive indefinitely. The City shall input all the data from the OMI database and all other available data into the automated early warning system for the three years prior to the entry of this Decree.

d. Within four (4) months of the entry of this Decree, the City shall develop a written protocol governing the use of the automated early warning system. This protocol shall specify, at a minimum: (I) the numbers and types of incidents per officer requiring review by senior supervisors, the frequency of these reviews, and the follow-up actions to be taken by PBP senior supervisors based on information in the automated early warning system (including meeting with the officer and recommending appropriate remedial training, counseling, transfer, or re-assignment); (ii) re-training and re-certification requirements; (iii) confidentiality and security provisions; and (iv) quality assurance checks of data input. The City shall provide this protocol to the United States for review and approval at least 30 days prior to its implementation. If the parties are unable to agree on a written protocol, the auditor described in Paragraph 70 shall have final authority to determine the protocol.

e. Until full implementation of the automated early warning system, the City shall continue to identify for review all officers with three or more complaints of misconduct. Such review shall be documented and result, where appropriate, in re-training, counseling, transfer or reassignment.

13. The City shall develop and implement a use of force policy that is in compliance with applicable law and current professional standards. Prior to the implementation of such policy, the City shall provide the United States an opportunity to review the proposed policy and provide comments.

15. The City shall develop, and require all officers to complete, a written report each time a PBP officer (a) exercises a use of force; (b) performs a warrantless search (excluding searches incident to arrests, frisks and pat downs); (c) performs a body cavity search or strip search; and (d) conducts any warrantless seizure of property (excluding towing vehicles). The record shall include the officer's name and badge number; description of incident; the specific type of use of force, search or seizure; description of any injuries and medical/hospital data; name, race and gender of all persons involved in the use of force, search or seizure; names and contact information for all witnesses; any weapons, evidence, or contraband found during the search; whether the individual involved in the use of force, search or seizure was arrested or cited, and if so, the charges; date, time, and location of the incident and search or seizure; and the signatures of the officer and his immediate supervisor.

23. The United States recognizes that the PBP has developed a program to conduct annual performance evaluations. The PBP shall require annual performance evaluations of all officers, supervisors, and senior supervisors. The performance evaluation shall be in writing and shall fully explain the weight and substance of all factors used to evaluate an officer. At a minimum:
    a. Supervisors and senior supervisors shall be evaluated on their ability to monitor, deter, and appropriately address misconduct by officers they supervise, and;
    b. The PBP shall evaluate each officer on the basis of his or her complaint history, focusing on patterns of misconduct.

24. In addition to the Civil Service guidelines, the performance evaluations shall be considered as one of the factors in making promotions.

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA, UNITED STATES OF AMERICA, Plaintiff
v.
CITY OF LOS ANGELES, CALIFORNIA, BOARD OF POLICE COMMISSIONERS OF THE CITY OF LOS ANGELE
And the LOS ANGELES POLICE DEPARTMENT, Defendants, CIVIL NO. 00-11769 GAF
CONSENT DECREE

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