

The Star-Ledger

N.J. State Police must improve tracking possible racial profiling in traffic stops, audit says

By Blake Nelson

NJ Advance Media for NJ.com and The Star-Ledger

Published May 15, 2020

New Jersey is falling short in key areas when monitoring State Police for possible racial discrimination during traffic stops, according to a Thursday report by the state comptroller's office, which audits and investigates state agencies.

When State Police evaluate whether troopers pull over black drivers more frequently, officials do not compare those stops to the number of black drivers passing by overall, according to the report. They only compare troopers with other troopers.

That's dangerous, the report said, because that "could permit discriminatory conduct to go undetected system-wide as long as that conduct occurs consistently."

The federal government stopped monitoring the State Police for possible racial discrimination more than a decade ago, and some of the ways New Jersey agencies have continued oversight are working, according to the report. Video and audio of stops are well documented, for example, and the law is being followed overall.

But some weaknesses should be addressed, investigators wrote.

The last report from the state attorney general's office on traffic stops found that black drivers were involved in a disproportionate share of searches.

While black drivers accounted for just a fifth of total stops, they made up 39% of all "post-stop activities," which can include having to exit the vehicle or having an officer use force, according to the data.

The disparity warranted further scrutiny, officials wrote.

Yet that analysis, the most recent available, only covered the first half of 2016.

Not knowing how black drivers have fared since made effective oversight difficult, and the report called on the state attorney general's office to publish the data "in a more timely manner."

The state attorney general's office has also told the State Police to stop only comparing troopers' traffic stops with other troopers at least ten times since 2012, according to the report.

State Police have acknowledged it would be “preferable” to compare stops with the number of drivers overall (or a similar benchmark), but the agency “has taken no steps to do so,” the report said.

“The Attorney General and the State Police have zero tolerance for racial profiling,” Leland Moore, a state attorney general spokesman, wrote in an email, “and we will take swift action against anyone who engages in such conduct.”

“We are pleased that the Comptroller identified a number of strengths in the State’s oversight efforts, and we will be closely examining the full report to determine what additional actions are necessary,” he said.

The State Police did not immediately respond to requests for comment.

The report also noted that while State Police analysts do evaluate vehicle stops for “unlawful discrimination,” officials within the agency often failed to respond to their own investigators’ findings.

“The lack of written, or at times, any, response ... is a serious weakness,” the report said.

The comptroller’s office also said that while State Police supervisors are stepping in when troopers violate policies, those interventions are inconsistent.

Some troopers were confronted for not following a rule, according to the report, “while in similar circumstances another trooper was not issued an intervention.” That invites the possibility of “inappropriate, possibly arbitrary, factors” guiding supervision, the report said.

In addition, troop commanders have failed to regularly sign statements confirming that they are abiding by recent reforms, according to the report. Those statements are required by law, and must be reported to the state attorney general.

State Police acknowledged they’ve never signed those statements, the report said, but promised to do so going forward.

The state attorney general’s office also promised to improve how it documented when a trooper searched somebody.

Thursday’s report did say the state aims to post searchable data online at the end of the year, which will allow the public to analyze motor vehicle stop from 2009 through 2019.