



LAW ENFORCEMENT RISK ANALYSIS

TRAINING AND POLICY CONSIDERATIONS IN LIGHT OF THE NEW JERSEY COMPTROLLER POLICE TRAINING REPORT

The New Jersey Office of the State Comptroller completed an investigation concerning a private company that provided what the report detailed as "questionable police tactics and contained discriminatory content" at a training conference in Atlantic City in October 2021. The State Comptroller's investigation findings have been published in a report entitled, [The High Price of Unregulated Private Police Training in New Jersey](#).

This Risk Analysis details recommended considerations for the Chief of Police to ensure each agency takes the necessary action in providing remedial training as appropriate and initiating policies and procedures to ensure that officers receive agency-specific policy guidance.

Considerations for the Chief of Police:

1. Read the report in its entirety and direct applicable staff members, especially those tasked with any training function, to also read the report.
2. Determine, as best as possible, if any officer attended the October 2021 conference delineated in this report, any training conducted by the Street Cop company, or any training taught by an instructor identified in the Comptroller's report.
3. Direct that all officers in the agency submit an official report or notification to the Chief of Police if they attended any portion of the October 2021 training conference in Atlantic City. The directive should include notice that officers must report their attendance, even if they attended only limited portions of the training and if the training took place on their own time or at their expense.
4. Develop and provide a remedial training program to any officer who attended the October 2021 conference in Atlantic City.
5. Direct that all officers in the agency submit an official report or notification to the Chief of Police if they attended any training event instructed by any of the instructors employed by Street Cop identified in the Comptroller's report.
6. Direct a review of existing purchasing documents to determine what funds, if any, were paid to Street Cop for any training. If such funds are identified, determine which officers or employees attended training events.
7. If it's determined that officers have attended training events other than the October 2021 training in Atlantic City, facilitated by Street Cop, or participated in training classes taught by any instructor identified in the report, ensure an appropriate person is assigned to review with the officer the contents of the training to determine if remedial training should take place.
8. Direct that any officer possessing a "Reasonable Suspicion Checklist" or "RAS Checklist," as noted in the report, submit such to a designated person and ensure the officer completed the applicable remedial training.

Evaluate the Agency's Existing Training, Workplace Conduct, and Other Applicable Policies:

1. Ensure there is a clear procedure for officers to request to attend training. This includes in-service training, conferences, and specialized courses. Officers should also be required to inform the designated authority whenever they attend any law enforcement-specific training course when off duty.
2. Require any officer to provide a certificate for any police-related training they attend, even when attendance was on their own time or at their own expense.
3. Require any officer who intends to teach any police-related course or any course at a police academy to request permission from the Chief of Police. When such a request is made, the officer or employee should be required to submit, at a minimum, the proposed training materials.
4. Ensure that any officer who teaches for a private contractor should be required to inform all attendees that the officer's or employee's views do not represent the agency's views. Furthermore, the officer should be prohibited from using the agency name and logo to bolster their credibility.
5. Ensure the training policy has a provision that when an officer or employee attends any training class and observes or learns of any materials that violate the Law Against Discrimination or the agency's workplace conduct policies, the officer must report this to their designated agency authority.
6. Coordinate with the municipal attorney to ensure the agency's workplace conduct policies and agency rules and regulations are modified, if necessary, to ensure that any officer who witnesses any conduct at any police-related training event that violates the [Law Against Discrimination](#) must report such to a designated agency authority.
7. A [Sample Template Training Policy](#) is available for review. This policy includes many considerations noted in this Risk Analysis; however, implementing this policy will require considerable agency customization upon consultation with the municipal attorney.

Additional Considerations:

1. Coordinate with the municipal attorney to develop an appropriate background process for when the law enforcement agency makes arrangement with non-agency instructors or private contractors to provide training to any officer. Such a background process should be considered even when no fee or cost is associated with the training. The background process is not necessary when the training is taking place at an approved police academy, and is likely not possible when training is provided via webinars.
2. Discuss with the municipal attorney to determine if any civil litigation is pending involving any officer who attended the October 2021 conference in Atlantic City, any training conducted by Street Cop, or any of the instructors identified in the report. If such litigation exists, discuss this with the municipal attorney to see if there is any possible nexus between the litigation and the training provided and what further actions need to be taken.
3. Review existing Internal Affairs files to determine if any officer who attended the October 2021 conference in Atlantic City, any training conducted by Street Cop, or any of the instructors identified in the report. If it's determined that such a file exists, attempt to determine if there is a possible nexus between any Internal Affairs investigations and the training provided and what further actions need to be taken.
4. Examine, as diligently as possible, existing available records of arrests, searches, and detentions of any officer who attended the October 2021 conference in Atlantic City, any training conducted by Street Cop, or any of the

instructors identified in the report. Determine the feasibility of directing a review of each identified arrest, search, or detention involving such officers or, if more appropriate, develop a random review process of such incidents to ensure that agency policies were followed correctly.

Remedial Program Considerations:

1. The content and scope of any remedial training program and other training events will be unique to each agency, but some considerations:
 - a) Include a thorough review of the agency's Traffic Enforcement or similar type of policy.
 - b) Review the Driving While Intoxicated policy if this is not included in the Traffic Enforcement Policy.
 - c) Ensure the officer is familiar with the [New Jersey Attorney General's Excellence in Policing Initiative](#).
 - d) Review the agency's Use of Force Policy.
 - e) Include a thorough review of the agency's Arrest, Search, and Seizure Policy.
 - f) Ensure all officers have completed appropriate workplace conduct training. The New Jersey Counties Excess Joint Insurance Fund [Workplace Harassment Resources](#) contains valuable materials that might be helpful when updating the agency's overall workplace conduct training. The NJCE JIF has many useful training programs, including numerous recorded training sessions concerning workplace conduct and sexual harassment in the Learning On Demand section of the NJCE Learning Management System (LMS). The [New Jersey State Policy Prohibiting Discrimination in the Workplace](#) is referenced in the Comptroller report and is a valuable resource as well. The final agency training program should be developed in collaboration with the municipal attorney, human resource professionals, and others as appropriate.

If you have any questions, please contact your JAM Law Enforcement Team - lawenforcementteam@jamontgomery.com.