

Newark Police Division Draft Bias-Free Policing Policy

What You Need to Know

Background

Every Newark resident has a right to fair and equitable policing, which is why bias-free policing is so important.

The Consent Decree entered into by the Department of Justice and the City of Newark requires the Newark Police Division (NPD) to develop a comprehensive bias-free policing policy to address these issues. Paragraphs 63-65 of the Consent Decree outline the requirements of this bias-free policing policy.

NPD, City of Newark, the Department of Justice, and the Independent Monitor want your input as they work on drafting NPD's new bias-free policing policy.

Draft Bias-Free Policing Policy Summary

The draft bias-free policing policy contains ten sections: (1) purpose; (2) policy statement; (3) definitions; (4) procedures; (5) reporting requirements; (6) training; (7) supervisory responsibilities; (8) administrative review; (9) responsibility for compliance; and (10) effects of the order.

This fact sheet summarizes some of the draft policy's key areas. Pages 2-3 of the policy contain definitions of important terms used throughout the policy, including bias-based policing, explicit bias, and implicit bias.

WHAT IS THE PURPOSE OF THE POLICY?

The policy seeks to prevent officers from engaging in any form of discriminatory practices and to ensure that every citizen will receive fair, respectful, and equitable treatment that is free of bias when he or she encounters a Newark Police officer.¹

WHAT ARE THE POLICY'S PROCEDURES?

Bias-based policing occurs when an NPD officer "takes an enforcement action, or makes a decision to provide or not provide police services, and that action or decision is motivated solely, or in part, on an individual's perceived or actual characteristics."²

NPD officers cannot engage in bias-based policing when enforcing the law or delivering policing services. Officers cannot take a person's protected characteristics (e.g., age, race, sexual orientation, etc.) into account unless these characteristics are part of a specifically detailed "Be on the Lookout" description or Amber Alert.

¹ See NPD GO 17-XX ("Bias-Free Policy") at I.

² See Bias-Free Policy at III.

To avoid any actual or apparent bias-based policing during pedestrian or vehicle stops, an officer must:

- Be courteous, respectful, and professional,
- Introduce him or herself to the citizen and state the reason for the stop,
- Ensure that the detention is no longer than necessary,
- Answer any questions,
- Provide name and badge number when requested, and
- Apologize and/or explain if reasonable suspicion ends up being unfounded.

Further, NPD officers cannot involve themselves in any law enforcement matter pertaining to people they have a personal relationship with.³

WHAT ARE THE REPORTING REQUIREMENTS?

NPD officers must intervene during any incident of bias-based policing when feasible, and report any biased-based policing they are aware of to a supervisor. Investigating supervisors must submit a complaint when an allegation of bias-based policing is made, and submit their documentation of the allegation to the Office of Professional Standards by the end of the workday.⁴

WILL THERE BE TRAINING FOR NPD OFFICERS?

NPD will provide at least eight hours of comprehensive training on bias-free policing, which will include a discussion of implicit bias, explicit bias, procedural justice, and police legitimacy. The training will emphasize that discriminatory policing is prohibited and will result in disciplinary action. Thereafter, NPD will provide a minimum of four hours of training each year to discuss developments in New Jersey law, federal law, and/or NPD policy. Training will highlight that any form of bias-based policing will lead to discipline. The policy lists eight areas that will be addressed in training, including “methods and strategies for more effective policing which rely upon nondiscriminatory factors,” and “police and community perspectives related to discriminatory policing.”⁵

WHAT ARE THE SUPERVISOR’S RESPONSIBILITIES?

Supervisors are required to identify and act to correct any behavior that may conflict with the bias-free policing policy. Additionally, supervisors must step in immediately when an officer’s behavior indicates the use of bias-based policing by discussing the behavior with the officer and the officer’s immediate supervisor. Supervisors must initiate a complaint investigation that documents the allegations and the actions taken to resolve it, and take action to ensure that no retaliatory action is taken against officers who disclose information on bias-based policing.⁶

WHAT IS ADMINISTRATIVE REVIEW?

An Integrity Control Officer (ICO) will conduct cumulative and quarterly analyses of NPD activities to ensure compliance with the bias-free policing policy. The ICO will evaluate the data based on relevant indicators including trends and outliers.

³ See Bias-Free Policy at IV.

⁴ See Bias-Free Policy at V.

⁵ See Bias-Free Policy at VI.

⁶ See Bias-Free Policy at VII.

The data for this analysis should be based on (but not limited to):

- Misconduct complaints
- Stop and detention data
- Use of force analysis
- Enforcement practices based on community input

NPD officers found to have engaged in bias-based policing will be subject to counseling, mediation, training, and/or disciplinary action.⁷

⁷ See Bias-Free Policy at VIII.