

***United States v. City of Newark, et al.,
Civil Action No. 16-1731 (MCA) (MAH)***

CONSENT DECREE

Independent Monitor - Second-Year Reassessment

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Comprehensive Reassessment Pursuant to Consent Decree Paragraph 182

I. Introduction

Consent Decree Paragraph 182 requires that after the second-year anniversary of the Consent Decree, July 12, 2018, the Independent Monitor file with the United States District Court for the District of New Jersey a “comprehensive reassessment” of both the City of Newark’s (the “City”) and Newark Department of Public Safety, Police Division’s (“NPD”) progress implementing Consent Decree reforms.

Pursuant to Paragraph 182, the reassessment must include: (A) areas of achievement and the “requirements that appear to have contributed to this success;” (B) “areas of greatest concern;” and (C) “strategies for accelerating full and effective compliance,” which could include “modifications to the [Consent Decree] [that] are necessary for continued progress.” This report is the Independent Monitor’s comprehensive reassessment as of July 12, 2018.

II. Key Achievements from the First Two Years of the Consent Decree

Since July 12, 2018, NPD has continued to refine key policies and work with subject matter experts to develop its training materials. Unless otherwise stated, the City’s and NPD’s key achievements with respect to Consent Decree tasks, as described below, reflect progress made by the City and NPD in implementing provisions of the Consent Decree as of July 12, 2018. For a full accounting of all of NPD’s achievements, please consult the Independent Monitor’s Quarterly Reports.¹

A. Policy Development

NPD’s greatest achievement has been creating or revising its policies, known to NPD as “General Orders.” To date, NPD has written and obtained approval from both the U.S. Department of Justice (“DOJ”) and Monitoring Team for all 13 policies required by the Consent Decree. NPD is, to our knowledge, the first police department under a comprehensive consent decree to achieve this milestone just after the two-year mark. These 13 new or revised policies—which govern core police functions such as the proper use of force, bias-free policing, stops, searches, arrests, and investigations of internal affairs complaints—capture modern constitutional policing concepts and will serve as models for other police departments in New Jersey and, perhaps, around the country.

One of the key strengths of NPD’s new and revised policies is that they were developed transparently, with input from the Newark community. The policy development protocol, agreed upon by the Parties to the Consent Decree and Monitoring Team, generally requires the following steps: (i) NPD creates a first draft policy; (ii) DOJ and the Monitoring Team provide comments on the draft; (iii) NPD undergoes one or multiple rounds of revisions, until it obtains approval from DOJ and the Independent Monitor to present the

¹ These Reports are available on the Independent Monitor’s website:
<https://www.newarkpdmonitor.com/reportsresources/>.



policy to the Newark community for comment; (iv) NPD seeks community, Civilian Complaint Review Board ("CCRB"), and other stakeholder input on the policy through a policy forum, small group meeting(s), and/or online forms;² (v) NPD considers additional revisions, and then submits a revised draft to DOJ and the Monitoring Team, along with comments received from the community; (vi) DOJ and the Independent Monitor review and, if appropriate, provide final approval of the policy; and (vii) NPD adopts the policy.

The community review process has not only resulted in more comprehensive policies, but has opened a continuing dialogue between NPD and the community it serves. This dialogue is vital to building trust and a positive working relationship. It also ensures that NPD will know the public safety needs of the community and can tailor its policing services to meet those needs. As part of the policy approval process, NPD has (i) hosted ten policy forums for the Newark community to review and comment on draft policies; (ii) held seven community meetings, including one in each police precinct, to solicit community input for the Community Policing policy; (iii) collected comments from community members online through its new Consent Decree website, <https://www.npdconsentdecree.org>; and (iv) sought input from the CCRB and leading community groups. In many cases, NPD revised its draft policies to incorporate community members' recommendations. When NPD did not incorporate community members' recommendations, NPD indicated that it would post its reasoning on its Consent Decree website.

² NPD does not plan to host community forums on three of the Consent Decree policies pertaining to its internal operations. These policies are: (i) Firearms and Other Weapons, (ii) Property and Evidence Division, and (iii) Property and Evidence Management.

Table 1: Status of Consent Decree Policies

Subject	Consent Decree Provision	Status
Bias-Free Policing	Paragraph 5	Adopted on September 19, 2017.
Use of Force	Paragraphs 66-67	Approved on September 29, 2017.
Body Worn Cameras	Paragraph 104	Adopted on June 5, 2018.
In-Car Cameras	Paragraph 104	Adopted on June 5, 2018.
Firearms and Other Weapons	Paragraphs 66-67	Approved on March 16, 2018.
Arrests With or Without an Arrest Warrant ("Arrest")	Paragraph 5; Section VI	Approved on September 20, 2018.
Search With or Without a Search Warrant ("Search")	Paragraph 5; Section VI	Approved on September 20, 2018.
Consensual Contacts and Investigatory Stops ("Stop")	Paragraph 5; Section VI	Approved on September 20, 2018.
Use of Force Reporting, Investigation and Review	Paragraphs 66-67	Approved on March 16, 2018
Internal Affairs: Complaint Intake & Investigation Process	Section XI	Approved on July 6, 2018. Undergoing community review.
Property and Evidence Division/Property and Evidence Management	Paragraph 110	Approved on September 21, 2018.
Internal Affairs: Disciplinary Process and Matrix	Section XIII	Approved on September 21, 2018. Undergoing community review.
Community Policing	Section V	Approved on July 16, 2018. Undergoing community review.

B. Body-Worn and In-Car Camera Program

On May 1, 2017, NPD began a camera pilot program in its Fifth Precinct with the support of a \$350,000 donation from a vendor. Initially, the pilot program equipped four officers with body-worn cameras. Since, it has obtained significant federal grants to support expansion of the pilot. At the time of publication of this report, NPD had equipped 427 body-worn cameras and 65 in-car cameras, representing full deployment of cameras in the First, Second, Fourth and Fifth Precincts, as well as a number of other officers not assigned to a specific Precinct. NPD also adopted new Body-Worn Camera and In-Car Camera policies and trained (and, where necessary, re-trained) all officers using cameras on these policies. The proper use of these cameras will allow NPD supervisors to monitor officers' conduct and improve NPD's accountability to the public.

³ "Adopted" means that the policy was approved by DOJ and the Independent Monitor and implemented by NPD. "Approved" means that the Independent Monitor has approved the policy, but it has not yet been implemented. In all cases where a policy is "approved," DOJ has approved the current or an earlier draft of the policy.

C. Training

During the first two years of the Consent Decree, NPD has made progress in developing training on several substantive areas of the Consent Decree. First, it conducted a Division-wide training on the requirements of the Consent Decree. Second, it contracted with a vendor to develop introductory Community-Oriented Policing training related to Paragraph 14 of the Consent Decree, and then administered the training to all of its approximately 1,250 officers. Third, NPD developed training materials on the proper use of body-worn and in-car cameras, and has progressively trained its officers as they become equipped with these devices. NPD plans to equip and train all uniformed officers with body-worn and in-car cameras (for those officers using such technology).

Fourth, NPD contracted with an external vendor to develop its use of force training materials. As of the date of this report's publication, NPD is near-ready to start administering this training, which reflects NPD's new use of force policies that have been approved by DOJ and the Independent Monitor. Fifth, NPD is developing training materials on (i) stops, (ii) searches with and without a warrant, and (iii) arrests with and without a warrant. To assist the City and NPD, the Independent Monitor asked the New Jersey Attorney General's Office to detail several Deputy Attorneys General ("DAG") to draft real-world police scenarios based on federal and New Jersey case law that NPD could incorporate into its training. The New Jersey Attorney General's Office agreed, and as of this report's publication, these DAGs have provided invaluable assistance to NPD. Last, NPD is in the process of securing a vendor to conduct its bias-free policing training.

D. NPD's Consent Decree & Planning Unit

Consent Decree Paragraph 196 requires NPD to create a specialized unit to manage NPD's participation in the Consent Decree process and coordinate with the DOJ and the Independent Monitoring Team. On July 15, 2016, NPD established a Consent Decree & Planning Unit ("CDPU") in response to this requirement. In the beginning, the CDPU struggled with growing pains, as is typical for police departments in the first year of a Consent Decree.

In the second year of the Consent Decree, the Newark Public Safety Director installed new CDPU leadership, including a new Commanding Officer. At present, the CDPU is comprised of officers experienced in most of NPD's major functions. This revitalized CDPU is predominantly responsible for NPD's significant achievements to date.

The CDPU has demonstrated its capacity to accomplish Consent Decree tasks that may fall outside of its officers' formal training. These tasks include (i) drafting policies on significant police functions, (ii) managing the rollout of a Division-wide body-worn and in-car camera program, and (iii) sustained engagement of the Newark community for the purpose of witnessing and participating in NPD's reforms. Over the past year, Sergeants in this Unit spearheaded revision of NPD's three primary policies governing the use of force and NPD's stop, search, and arrest policies. Another Sergeant developed a new website to help inform the Newark community about the Consent Decree and involve the community in the police reform process,⁴ and worked with the Independent Monitoring Team to develop a database to record, track, and report on NPD's Community Service Officers' engagement of the Newark community. To this

⁴ The website is: <https://www.npdconsentdecree.org>.



end, NPD posted its first two quarterly community engagement reports on its Consent Decree website.⁵ The CDPU Commanding Officer overseeing this progress has been a mainstay at Newark community events, building relationships with people who have historically been distrustful of NPD. NPD's capacity to achieve Consent Decree tasks has improved substantially.

III. Concerns and Recommendations

While NPD has made significant progress on Consent Decree tasks, the Monitoring Team has identified several obstacles, including structural, funding, and human resource issues, to the City and NPD's "full and effective compliance," see Consent Decree ¶ 182. These obstacles, reflected in our prior Quarterly Reports, fall into three broad categories, discussed below: (A) NPD's lack of personnel with the requisite expertise or the ineffective deployment of such personnel where expertise exists; (B) NPD's inadequate response to domestic violence incidents, particularly its investigation of domestic violence complaints against its officers; and (C) NPD's failure to systematically involve the entire force in the Consent Decree process, as opposed to just the CDPU. Section (D) addresses NPD's failure to complete an assessment of its personnel deployments by the Consent Decree's July 9, 2017 deadline. Section (E) offers three recommendations related to the Monitoring Team's Consent Decree operations.

A. NPD Lacks Personnel with Expertise in Core Areas of Modern Policing

There is symmetry between the areas in which NPD has struggled to meet the Consent Decree's requirements and areas in which NPD lacks dedicated personnel, resources, or infrastructure. The most glaring examples, described below, are in the areas of (1) data systems, (2) training, and (3) community engagement.

1. Data Systems

Description of the problem: NPD has not been able to identify, produce, or analyze most essential data about its daily policing activities. From our early attempts to audit NPD's police data, the Monitoring Team has observed several troubling trends. First, NPD officers do not systematically record all data required by the Consent Decree, or, alternatively, only record this data by handwritten copy. Second, there is little supervisory review of data collection or input. Third, NPD does not have the information technology ("IT") personnel necessary to properly manage and analyze its police data or systems. Fourth, NPD's contractual relationships with its data systems vendors are not structured to meet the needs of a modern police force.

NPD recognizes these deficiencies. In June 2018, the City retained an independent consulting group to undertake a comprehensive review of NPD's technology and data systems, and recommend changes. Importantly, the consulting group is not affiliated with *any* vendor, and can provide an unbiased perspective. This assessment is a critical first step towards reform. The Monitoring Team expects the consulting group will provide a written report and recommendations by December 2018.

⁵ These reports are available here: <https://www.npdconsentdecree.org/community-engagement-report>.

Recommendation: The Parties should amend the Consent Decree to require the City or NPD to retain a senior-level civilian information technology/data systems manager and a dedicated team of IT professionals who can oversee this critical aspect of modern policing. This is *not* a helpdesk or troubleshooting function. Nor is it a generalized IT role. Rather, the person in this role must be knowledgeable about police data systems and be able to assist NPD's senior leadership in the use of data to (A) drive police deployment decisions, (B) improve accountability by identifying officers who consistently do not meet the Division's standards as well as issues that require training, and (C) produce key information in an accessible format for community and CCRB review. Not only would this person help NPD meet Consent Decree requirements, but he/she also could strengthen NPD's operations beyond the Consent Decree by, for example, (i) reducing or simplifying the number of forms NPD uses to collect data, which would give officers more time to engage with the community they serve; (ii) keeping data systems and software up-to-date and consistent with modern policing standards; (iii) maintaining relationships with data systems vendors; and (iv) negotiating data system contracts to account for changes in technology.

Attached to this report as **Exhibit 1** is a job listing posted by the Baltimore Police Department, also under a consent decree, for a "Consent Decree Information Technology Director," who would work in both the police and city offices. This posting provides the *qualifications* for the type of data systems manager described in this section, and could serve as a model for NPD's own posting.

Recommendation: The City should create a line item in its budget for funds sufficient for NPD to retain at least two employees with experience managing police data systems, and using technology to support data-driven police management.

Recommendation The City should begin to allocate resources that can be used to act upon the independent consulting group's recommendations, which could include (i) acquisition of new police data systems or upgrades to existing ones; (ii) retention of IT professionals with experience managing and analyzing police data; and/or (iii) and training to integrate new technology into NPD's everyday practices. It is imperative that the City begins reserving funds now and preparing its administrative approval process. Delays in administrative approval have been an issue in the past. For example, even though the Public Safety Director had secured funding for the current IT consulting group, it took nearly a year for the City's prior Business Manager to approve the Public Safety Director's request to sign the IT consultant's contract. This impeded NPD's ability to make meaningful progress in this area of the Consent Decree. NPD cannot afford another year-long delay of its IT reform without jeopardizing its ability to achieve Consent Decree compliance within the five-year period.

The Independent Monitor reserves the right to supplement this Report with additional recommendations in this area after the IT consulting group issues its forthcoming written report and recommendations.

2. Training

Description of the problem: NPD has developed 13 Consent Decree policies, yet it has fully implemented training only on Community-Oriented Policing and Body-Worn and In-Car Cameras. While the CDPU has been working diligently to develop training materials for stop, search, and

arrest training in-house—and is close to achieving Consent Decree-compliant materials, as described above—NPD does not have a defined process for developing, updating, or evaluating its police trainings. For example, NPD does not have a procedural manual describing how to develop, that is, write scenario-based, adult-learning police training materials, which would include, at minimum, (i) a description and examples of materials required for modern police training; (ii) a process for developing those materials; and (iii) metrics to evaluate the extent to which officers have absorbed the training.

Because NPD does not have an institutionalized approach to training development, the Monitoring Team has encouraged NPD to retain external vendors to develop its first generation of police training, particularly in the areas of Use of Force, Bias-Free Policing, and Internal Affairs. While retaining external vendors is a good strategy in the short-term—and, frankly, necessary for NPD to meet Consent Decree deadlines—it is a stop-gap measure that will not remedy NPD's lack of capacity in this area over the long run. Failing to develop NPD's training capacity could result in NPD generally failing to maintain the progress achieved under the Consent Decree once the five-year term expires.

NPD has hired a qualified training expert on a part-time basis to help develop the curriculum for stop, search and arrest training and has received additional assistance from Deputy Attorneys General in the New Jersey Attorney General's Office. On August 20, 2018, NPD finally assigned a single point person, akin to a Training Director, to oversee NPD's training program. These are important improvements, but not a complete answer to NPD's structural training management challenges.

Recommendation: The Parties should amend the Consent Decree to require NPD to retain an experienced Training Director who has a track record of (i) managing modern police training for a large, urban police force, (ii) developing training curricula, (iii) overseeing training implementation, and (iv) revising training materials to reflect best practices or changes in the law. This person would be responsible for building a modern training infrastructure, including a roster of trainers and curriculum developers, a process for periodic review and revision of current training, and a plan for training an approximately 1,250-officer police force without depleting the number of officers who can respond to calls for service. Having a defined position will ensure that NPD keeps someone in a Training Director role for at least the duration of the Consent Decree.

Attached to this report as **Exhibit 2** is a sample job listing created by the Independent Monitoring Team which describes qualifications and duties necessary for someone to be an effective Training Director. These qualifications could help frame the Parties' amendment.

Recommendation: Paragraph 11 of the Consent Decree requires NPD to train its police force within 60 days of adopting a policy. This is not a realistic timeline, given Newark's approximately 1,250-officer police force, the shortcomings described above, and NPD's already-high quantity of unmet calls for service or delayed responses. The Monitoring Team recommends the Parties meet and confer to discuss realistic deadlines for NPD to administer training in each of the remaining, major Consent Decree subject areas: (1) Use of Force; (2) Stops, Searches, and Arrests; (3) Internal Affairs; and (4) Bias-Free Policing. After conferring with one another, the Parties should consider proposing an amendment to the Consent Decree.

3. Community Engagement

Description of the problem: At present, NPD employs several strategies to engage the Newark community. The CDPU has hosted dozens of forums and meetings with community leaders related to the Consent Decree process, and NPD regularly hosts “Coffee with a Cop,” a “National Night Out” event, and other programming that coincides with holidays or summer breaks. The Public Safety Director also requires Commanders to perform—and then report on—five community engagement activities each week.

However two years into the Consent Decree, NPD has not yet memorialized in writing a comprehensive, Division-wide community engagement strategy driven by clearly-defined goals, data, and community input. This lack of a well-defined strategy has resulted in the appearance that NPD’s efforts are driven by individual officers and supervisors based on each person’s creativity and imagination. The dividends of engagement – transparency and improved public perception of its police force, for example – are confined to individuals at NPD, not the institution as a whole.

Several examples illustrate the lack of a comprehensive community engagement strategy: (a) it took more than one year for NPD to post the identity and contact information for its Community Service Officers (“CSOs”)—officers with the primary responsibility of building relationships and coordinating with community members—to its website; (b) NPD has an antiquated website for the Division as a whole, which makes it difficult for the public to track NPD’s reforms and successes. NPD’s new “Consent Decree” tab, which was formally its own website, offers a useful model for presenting information in a clear and accessible manner, but there is no reason why NPD limits the Consent Decree to a specialized area. NPD as a whole should be uniformly implementing the Consent Decree, not just NPD’s CDPU; (c) while NPD has a number of programs aimed toward interactions with Newark youth, NPD has no strategy to obtain input from youth of various ages regarding the types of police services they would find most useful, including those who have dropped out of school. The City and NPD are missing opportunities to connect with and learn from one of their most important constituencies—its youth; and (d) the City and NPD do not survey through written instruments the community’s public safety priorities.

Additionally, it remains a challenge for NPD to obtain new grant money to assist its transition to a service-oriented model due in part to factors outside its control. For example, as a general matter, there are fewer federal and state resources available to help reform police departments.⁶ While NPD does seek public grants, it should expand its applications to the private sector and higher education institutions.

Recommendation: NPD should write and issue a publicly-available, Division-wide community engagement strategy. The Independent Monitor understands that the Public Safety Director plans to do so in the form of a General Order in the coming weeks. The strategy’s core principles should be harmonized with NPD’s Community-Oriented Policing policy, which is currently under community review.

⁶ The Monitoring Team does note that NPD has faced some challenges in securing DOJ grants because this Administration has labeled the City a “sanctuary city.” The Monitoring Team urges DOJ to encourage its federal colleagues to reconsider its position on this issue.

Recommendation: Regarding Newark youth, the City should either retain an expert to conduct focus groups of hard-to-reach youth, or approve the Independent Monitor's prior request to retain such an expert. This expert should conduct annual surveys and release annual reports to the City, NPD, and the public.

Recommendation: NPD should build its grant-writing program. At minimum, the program should be led by a senior leader who has insight into the Division's diverse police activities, and develop a protocol whereby it (A) inventories NPD's strategic goals, particularly in the area of community-oriented, service-based policing; (B) conducts a systematic search for external funding sources – including public, private, and university or higher educational institutions – to support those initiatives; (C) develops a protocol for evaluating the value—or in some cases—the costs of acquiring these grants; and (D) develops a protocol for coordinating between the grant writing team and the NPD unit associated with the grant. NPD should seek guidance on building its grant-writing program from experienced individuals at the various criminal justice college and university programs.

Recommendation: The Consent Decree requires the City, NPD, and Monitoring Team to survey the Newark community's experience with and perceptions of NPD and public safety, among other things. Consent Decree ¶¶ 19, 22-24.

The Monitoring Team recommends that the Parties amend the Consent Decree to *combine* the Monitoring Team's and City's survey requirements. This consolidation would avoid duplication of efforts and resources, avoid the possibility of confusing or contradictory results and ultimately, transfer capacity from the Monitoring Team to the City. The Monitoring Team would continue to implement its survey instrument for the first four years of the Consent Decree and, then, transfer responsibility—and its survey materials—to the City for the fifth year of the Consent Decree and thereafter.

B. NPD Must Improve Officers' Response to Domestic Violence Incidents and Its Investigation of Domestic Violence Complaints Against Its Officers

Description of the problem: In DOJ's 2014 investigation of NPD's policies and practices, which led to this Consent Decree, it identified as an "Area of Concern" NPD's "ignorance or bias concerning victims of sexual assault," which resulted in crucial investigative deficiencies.⁷

Recently, the Independent Monitoring Team completed a review of NPD internal affairs investigations.⁸ As part of this review, the Monitoring Team examined all internal investigations of NPD personnel who were the alleged perpetrators or victims of domestic violence in 2015 and 2016. The Monitoring Team also examined, for that same period, a sample of citizen complaint investigations stemming from NPD officer responses to calls for service involving domestic violence incidents in the community. The investigative

⁷ DOJ Rep. at 46, available at https://www.newarkpdmonitor.com/wp-content/uploads/2016/06/DOJ_Report.pdf.

⁸ The full results of this review will be reported in the Monitoring Team's Sixth Quarterly Report.



files, which NPD provided to the Monitoring Team, included reports, summaries, and any related audio recordings of 911 calls, radio dispatches, and interviews.

During the course of its review, the Monitoring Team observed a trend in NPD's response to incidents of domestic violence that is a source of concern. As a general matter, the Monitoring Team observed that victims of domestic violence – particularly those with limited English language proficiency – were subjected to (A) short-tempered or impatient 911 call-takers, (B) dispatchers withholding pertinent details from first responders, and (C) unsympathetic officers applying their own discretionary enforcement standards.

This concern was particularly acute in cases where an NPD employee, civilian or sworn, was the alleged perpetrator of domestic violence. Those complaint investigations suffered from the same deficiencies cited above, and invariably resulted in "Not Sustained" findings, meaning that, NPD, despite direct and circumstantial evidence supporting the victim's account, found that there was insufficient corroboration to sustain the complaint. In most cases, NPD interviewed the victim, but did not interview the subject officer. Investigators relied solely on the officer's written denial of the alleged misconduct in reaching the Not Sustained finding. While NPD has a clear policy prohibiting officer-initiated domestic violence, it does not appear to be following it.⁹

Since DOJ's 2014 investigation, the City and NPD have made significant improvements to the services Newark offers victims of domestic violence. For example, (a) the City's Shani Baraka Women's Resource Center, which opened in May 2017, offers women facing domestic violence or abuse and their families counseling, referrals, emergency shelter, education and training, and mental health treatment; (b) on July 6, 2017, the Public Safety Director issued General Order No. 05-01, which reinstituted the Domestic Violence Response Team, a team of trained civilian volunteers who can assist victims of domestic violence by providing information, resources, and referrals, and (c) NPD currently assigns a detective to the Essex County Family Justice Center to help coordinate services for victims. The City and NPD must now ensure that their renewed attention to domestic violence translates to NPD's policing practices: officers' response to domestic violence complaints and NPD's internal investigations.

Recommendation: The Parties should amend the Consent Decree to require NPD to retain civilian personnel with expertise in the dynamics of abusive relationships to serve as a liaison for victims and as an advisor to NPD's Office of Professional Standards, its internal affairs unit. NPD should also develop domestic violence training that address both legal issues and the appropriate treatment of victims. Training should be delivered to the entire Division to include civilian personnel.

C. NPD Must Involve the Entire Division in the Consent Decree Process

Description of the problem: As is noted throughout this report, NPD has made significant progress implementing Consent Decree reforms. However, the Monitoring Team is concerned that this progress is largely attributable to entrepreneurial, reform-minded leaders within the Division, and, in particular, the

⁹ NPD General Order No. 99-01, Duties and Responsibilities in the Handling of Domestic Violence Incidents Involving Police Officers states: "[i]t is the policy of the Newark Police Department that violent domestic behavior will not be tolerated or excused and that the Department will undertake any or all actions bestowed upon it by law to afford domestic violence victims protection from physical violence by their offenders."

Public Safety Director, CDPU Commanding Officer, and CDPU as a whole. At the beginning of a Consent Decree, reforms are typically driven by individuals, as police departments have not yet had the chance to identify structural obstacles, or develop policies to institutionalize reforms. At the second-year mark, as NPD begins to adopt Consent Decree policies and monitor compliance, the City and NPD should be taking proactive steps to involve the entire Division, and engrain Consent Decree reforms in the Division's culture. Recent meetings between the Public Safety Director, the Commander of the CDPU, Precinct leadership, and rank-and-file officers are a positive start.

The City and NPD should begin to consider a response to community members' oft-cited concern: "What happens when the Consent Decree goes away?" The Parties entered into the Consent Decree, in part, to "increase public confidence" in NPD. See Consent Decree ¶2. The City and NPD should ensure it is lasting.

Recommendation: NPD should implement a strategy to involve the entirety of the Division in the Consent Decree process. Some examples of Division-wide involvement would be: (1) NPD's internal affairs unit monitoring officers' compliance with Consent Decree policies as opposed to the CDPU, and (2) integrating NPD's Consent Decree community engagement with Division-wide community engagement.

Recommendation: The City should also consider adopting specific Consent Decree reforms in a municipal ordinance. There are many examples of how this practice has been implemented in the past. The State of New Jersey codified its consent decree reforms in both a 2005 Attorney's General Law Enforcement Directive No. 2005-1 and a 2009 law, the Law Enforcement Professional Standards Act, N.J.S.A. 52:17B-222, which followed a ten-year federal monitorship of the New Jersey State police. New Orleans, another city under a police consent decree, has done the same.¹⁰

D. NPD's Delayed Staffing Assessment and Modified Deployment Strategy

Description of the problem: Paragraph 15 of the Consent Decree requires that, by July 9, 2017, NPD will assess and revise its officer staffing assignments to support its transition towards community-oriented policing and problem solving initiatives.¹¹ NPD did not meet this deadline. Using an outside expert, NPD finally completed its staffing assessment on September 12, 2018, more than one year after the Consent Decree deadline, and months after the second-year anniversary of the Consent Decree, July 12, 2018.

At numerous community meetings hosted by the Independent Monitor over the first two years of the Consent Decree, Newark residents have asked questions about the uneven and sometimes sparse police presence in their neighborhoods. The Newark community wants more regular police patrols and quicker response time to service calls. These issues require NPD's immediate attention. Indeed, the deadline for the staffing assessment was early in the five-year Consent Decree period for a reason: it is critical for NPD

¹⁰ See Regulations Governing Implementation of the 2013 Federal Consent Decree, *available at* [https://www.nola.gov/getattachment/NOPD/NOPD-Consent-Decree/Consent-Decree-Regs-Finalized-\(002\).pdf/](https://www.nola.gov/getattachment/NOPD/NOPD-Consent-Decree/Consent-Decree-Regs-Finalized-(002).pdf/).

¹¹ Initially, the Consent Decree required that this assessment be completed by January 8, 2017, but one month before the deadline, on December 21, 2016, the Parties requested a six-month extension, which was granted by the Court.

to understand the benefits and consequences of its deployment choices, and consider whether a different resource allocation would be more effective, and in particular, support modern, Consent Decree-compliant policing.

Recommendation: While NPD's recently-completed staffing assessment provides an analysis of its current deployments, it does not provide a comprehensive plan for a new deployment strategy consistent with the requirements of the Consent Decree. NPD should develop a deployment strategy that will both support the heightened level of service it seeks to give to the Newark community, and the community engagement initiatives outlined in the Public Safety Director's community policing strategy. This new citywide deployment strategy should be developed by the end of the year, December 31, 2018, and implemented shortly thereafter.

E. Recommendations Relating to Monitoring Team Operations

1. Reporting Requirements

Description of the problem: Consent Decree Paragraphs 176, 182, and 183 require the Monitoring Team to file: (A) four status reports per year, which detail the City's and NPD's progress under the Consent Decree, (B) one Monitoring Plan per year, charting proposed deadlines for Consent Decree tasks; and (C) this Second Year Reassessment. This totals nearly one report every two months. The first two years of the Consent Decree called for more frequent and detailed reporting on the City's and NPD's progress under the Consent Decree because NPD was writing new policies and revising existing ones. Now, however, NPD has made a number of concrete achievements, including developing all 13 Consent Decree-required policies.

NPD is moving into a training administration phase that will take significant time to complete and require less public reporting. The Monitoring Team believes that the Parties should adjust the Monitoring Team's resource-intensive, reporting obligations.

Recommendation: Two status reports per year, starting in 2019, will be sufficient to capture and report on the City's and NPD's progress under the Consent Decree and update the public.

Additionally, while creating the Monitoring Plan has been a helpful exercise in fostering dialogue among the Parties regarding Consent Decree priorities, it seems to add limited value day-to-day, as impediments to Consent Decree progress change quickly and are difficult to anticipate. The Monitoring Team and Parties have filed two Monitoring Plans with the Court to date. One final Monitoring Plan, to be filed on the fourth anniversary of the Consent Decree, July 12, 2020, would be more than sufficient to help the Parties prioritize the remaining tasks.

Lastly, the Parties should add a Consent Decree requirement for the Monitoring Team to complete a comprehensive reassessment, akin to this report, on the fourth anniversary of the Consent Decree, on July 12, 2020. This report will help identify remaining obstacles before the end of the five-year Consent Decree period.

2. Modify Conflict of Interest Provision

Description of the problem: Consent Decree Paragraph 191 prohibits the Monitor from “accept[ing] employment or provid[ing] consulting services that would present a conflict of interest with the Monitor’s responsibilities under this Agreement . . . in connection with a claim or suit against the City of its departments, officers, agents, or employees.” This paragraph is intended to prevent the Monitor from representing a client with interests adverse to the entities that are being monitored pursuant to the Consent Decree: the City and NPD.

Paragraph 192 goes beyond this important safeguard: it prohibits *any* member of the Monitoring Team from representing “any individual or organization in any criminal or civil matter adverse to the City of Newark *or the United States Attorney’s Office, District of New Jersey* . . . for the duration of the monitorship” (emphasis added). The United States Attorney’s Office, District of New Jersey, is **not** being monitored for compliance with the Consent Decree. In fact, the Monitor does not work for and is independent of the United States Attorney’s Office. Hence, there would be no actual or perceived conflict of interest if an attorney on the Monitoring Team represented a client adverse to the United States Attorney’s Office, District of New Jersey, or DOJ, for that matter, which is not even identified in Paragraph 192.

Recommendation: The Monitoring Team requests that the Parties remove Paragraph 192 and bolster Paragraph 191 by adding the italicized language below:

Unless such conflict is waived by the Parties, neither the Monitor nor any member of the Monitoring Team shall accept employment or provide consulting services that would present a conflict of interest with the Monitor’s responsibilities under this Agreement, including being retained (on a paid or unpaid basis) by any current or future litigant or claimant, or such litigant’s or claimant’s attorney, in connection with a claim or suit against the City or its departments, officers, agents, or employees.

3. City Must Comply with Court’s Replenishment Order and Improve Timeliness of Payments

Consent Decree Paragraph 208 requires the City to maintain a minimum balance of \$125,000 in the account used to pay the Monitoring Team. The City has not complied with this provision, leaving months between payments to the Monitoring Team.

The Monitoring Team is comprised of Subject Matter Experts who are police experts, leading academics, and community advocates, most of whom have been working with NPD since the start of the Consent Decree. Many of these professionals are self-employed. The City should not delay payment to these working professionals for work already performed. The City and NPD risk losing these valued members of the Monitoring Team if they continue to delay replenishment of funds.

IV. Conclusion

During the first two years under the Consent Decree, NPD has made significant progress in developing all Consent Decree-required policies. These policies—and NPD's other Consent Decree successes to date—will be the foundation for change, and hopefully, NPD's full compliance with the Consent Decree within the five-year period. However, completing one-off Consent Decree tasks will not be sufficient to modernize the Division in the manner contemplated by the Consent Decree, or develop the capacity for lasting change. The City and NPD should think critically about their strategy for overcoming institutional hurdles to NPD becoming a modern police force, many of which are outlined in the Consent Decree. Full implementation of the letter and spirit of the Consent Decree will result in a modern police force.

At this two-year mark, the Monitoring Team commends the Parties for their dedication to the Consent Decree process, and looks forward to working with them for the balance of the Consent Decree period.

EXHIBIT 1



CITY OF BALTIMORE
Department of Human Resources
7 E. Redwood Street, 1st Floor
Baltimore, MD 21202
(410) 396-3860 711(TTY)
www.baltimorecity.gov

INVITES APPLICATIONS FOR THE POSITION OF:
BPD Consent Decree Information Technology
Director, Baltimore City Office of Information and
Technolo

An Equal Opportunity Employer

SALARY: See Position Description

OPENING DATE: 06/15/18

CLOSING DATE: 06/29/18 11:59 PM

CLASS DESCRIPTION:

This is a Non-Civil Service position

OVERVIEW

We are currently seeking a Consent Decree Information Technology (IT) Director for the Baltimore City Office of Information and Technology (BCIT) and the Baltimore City Police Department (BPD). The Consent Decree IT Director shall manage the technology strategy, upgrades, and operational performance of everything IT for the BPD Consent Decree. This position will be responsible for BPD Consent Decree technology assessments, project planning, and implementations, meeting all mandates identified by the Department of Justice. Reporting directly to the BCIT Public Safety Chief, this position will be responsible for managing all consent decree projects and its dedicated team.

This position will function as the lead IT advocate for the Consent Decree as well as aligning with Baltimore City Information Technology's enterprise technology strategy to support business objectives for all Public Safety departments, including the Baltimore Police Department, Baltimore Fire Department, Mayor's Office of Emergency Management.

This position may be located at the Baltimore City Police Department.

SELECTION PROCESS:

ESSENTIAL JOB FUNCTIONS & RESPONSIBILITIES:

- Supports the mandated technology-enabled and data-driven operations and policing applications, software/hardware for Baltimore Police Department. Technologies to include, not limited to, Network Infrastructure, Wi-Fi, LPR, MDTs, Body Cameras, RMS, CAD, Predictive Policing, and Police Integrity Software.
- Develop policies and standard operating procedures pertaining to the use of IT in BPD safety to include awareness, training, and compliance.
- Serves as program management executive; drives the development of BPD technology standards within Consent Decree, governance processes and performance metrics to ensure IT delivers value to BPD cone.
- Collaborates with Police and Fire command staff and City leadership to support the City's Inclusive Digital Transformation Plan. Participates in and contributes to the assessment of external digital opportunities and threats, and internal technology capabilities required to achieve desired leadership positioning.
- Maintains currency on new Policing technologies and platforms and provides direction on what emerging technologies to be assimilated, integrated and introduced within BPD and enterprise.
- Manages day-to-day operations of all IT Consent Decree related IT operations.
- Develops and maintains an IT workforce with the appropriate mix of business knowledge, technical skills and competencies that balance the needs between growing the agility

required to achieve emerging needs and ensuring the core IT functions are reliable, stable and efficient.

- In collaboration with Public Safety departments, be responsible for proactively seeking grant funding and manages grant-funded public safety technology initiatives.
- Provides leadership, coaching and direction to the Consent Decree implementation team and IT leadership team and staff.
- Position will work closely with all levels of BPD staff including BPD project managers in the implementation of technology related to the Consent Decree.

REQUIRED SKILLS AND ABILITIES:

- Exceptional leadership skills with the ability to develop and communicate an IT vision that inspires and motivates IT staff.
- Strong business acumen, including public safety-specific knowledge.
- Strong information technology acumen, including full lifecycle knowledge of delivering of critical mission-critical applications.
- Effective negotiation skills across internal and external parties, and vendors.
- Excellent analytical, strategic conceptual thinking, strategic planning and execution skills.
- Deep expertise in budget planning and financial management.
- Strong understanding of current and emerging technologies and how other public and private organizations are employing them to enable digital government and digital business.
- Excellent written and verbal communication to both technical and non-technical audiences
- Team work and customer focused mentality with the ability to multi-task.
- Successful track record of team and relationship building.
- Professional, enthusiastic and positive approach to work.
- Proven skills in organization, time management, and efficient execution of tasks.
- Strong written and verbal communication skills.
- Proactive, creative and logical thinker.

MINIMUM QUALIFICATIONS:

EDUCATION:

- Bachelor's or Master's degree in Computer Science, Information Systems, Business Administration or related field, or equivalent work experience.

EXPERIENCE:

- Ten or more years of progressive experience in IT.
- Preferably five to seven years of leadership responsibilities in the public sector, including budget responsibility.
- Preferably five or more years of experience in public safety environments.
- Five or more years of experience in large, cross-functional teams and/or enterprise-wide programs, influencing senior-level management and key stakeholders effectively across the organization and within complex contexts.
- Demonstrated experience in IT strategic planning, organization design and development.
- Demonstrated understanding of current and converging technologies, including cloud deployment, big data, mobile and video.
- Conversant with core technologies in public safety, covering dispatch, records management, case management, radio and data communications, as well as emerging technologies.
- Preferably proven experience or demonstrated capability in leading IT transformational initiatives in complex public agency environments

SUPPLEMENTAL INFORMATION:

Salary is commensurate with education and experience and includes an excellent benefits package. Interested candidates should submit a letter of interest and resume specifically addressing the applicant's experience relevant to the position to:

Baltimore City Office of Information and Technology
bcit@baltimorecity.gov

NOTE: Candidates under final consideration will be required to undergo and pass a background check and drug/alcohol test.

The City of Baltimore is an Equal Opportunity Employer

APPLICATIONS MUST BE FILED ONLINE AT:

www.baltimorecity.gov
Baltimore, MD 21202

711 (TTY)

Position #50014
BPD CONSENT DECREE INFORMATION TECHNOLOGY
DIRECTOR, BALTIMORE CITY OFFICE OF INFORMATION AND
TECHNOLOGY
ALANA SPEED-HARRIS

EXHIBIT 2

Director of Police Training

OVERVIEW

The Director of Police Training (“Training Director”) shall: provide leadership and direction to officers in the Police Academy of the Newark Police Division (“Division”); manage, supervise, and coordinate police training programs and activities for the Division; serve as Commanding Officer of the Police Academy and coordinate training activities carried out by the police precincts and other units of the Division; review outside training programs attended by Division personnel to ensure they meet Division objectives; and support the Public Safety Director and Chief of Police on all training matters.

SUPERVISORY RESPONSIBILITIES

The Training Director shall exercise direct supervision over faculty, technical, and administrative support staff assigned to the Police Academy. Specifically, the Training Director shall be responsible for:

1. Integrating and sequencing instruction; and
2. Managing instructional methods, testing, and remediation.

The Training Director will also serve as the key coordinator of all training activities developed in response to the Consent Decree.

ESSENTIAL DUTIES

Provide leadership and direction and assume management responsibility for all training carried out by the Division, as well as manage the Police Academy programs, services, and activities.

Manage and participate in the development and implementation of goals, objectives, policies, and priorities for Division training programs; recommend, within Division policy, appropriate service and staffing levels; recommend and administer Division policies and procedures related to training.

Continuously monitor and evaluate the efficiency and effectiveness of training service delivery methods and procedures; conduct needs and instructional program analysis; assess and monitor work load, administrative and support systems, and internal reporting relationships; identify opportunities for improvement and review for the Public Safety Director and Chief of Police; and direct the implementation of improvements.

Select, train, motivate, counsel, and evaluate assigned personnel; provide or coordinate staff training; work with employees to develop skills and abilities.

Plan, direct, coordinate, and review the work plan for the Police Academy; meet with staff to identify and resolve problems; assign work activities, projects, and programs; monitor work flow; review and evaluate work products, methods, and procedures.

Manage and participate in the development and administration of the Police Academy program annual budget; direct the forecast of additional funds needed for staffing, equipment, materials, and supplies; direct the monitoring of and approve expenditures; direct and implement expenditure adjustments as necessary.

Serve as a liaison for police training activities carried out for the Division by the county, state, federal, and other external agencies; negotiate and resolve disputes with these agencies regarding training content or administration. Establish and maintain relationships with county, state, federal, and other external entities related to training.

Develop and expand any existing strategic public and private sector partnerships appropriate to the Division's training program. Develop proposals for securing external funding for program expansions as well as on-going offerings. Liaise with local colleges and universities regarding the Division's training needs, facilities for training, and related matters.

Participate in professional training group meetings; stay abreast of new trends and applicable legal developments and innovations in the field of police training.

Develop, apply, and evaluate effective approaches to implement the policies of the Division relating to training program and workforce diversity in order to fulfill the core mission of the Division and serve its diverse community.

Provide responsible staff assistance to the Public Safety Director and Chief of Police related to training; prepare and present staff reports and other necessary correspondence.

QUALIFICATIONS

The Training Director shall possess knowledge of:

- instructional techniques designed to accommodate diverse learning styles and promote welcoming classroom environments for students from culturally diverse groups;
- operational characteristics, services, and activities of a Police Academy program;
- development of curriculum objectives, curriculum design and course evaluation as well as learning assessment among students for courses;
- organizational and management practices as applied to the analysis and evaluation of Division training programs, policies, and operational needs;
- modern and complex principles and practices of training program development, evaluation and administration;
- principles and practices of budget preparation and administration;
- principles of supervision, training, and performance evaluation.

The Training Director shall possess the skill and ability to:

- provide administrative and professional leadership and direction for the Police Academy and Division's training staff;
- recommend and implement goals, objectives, and practices for providing effective and efficient Police Academy services;
- manage, direct, and coordinate the work of faculty and professional, technical, and administrative support personnel;
- select, supervise, motivate, counsel, train, and evaluate staff, as well as identify and respond to Police Academy issues, concerns, and needs;
- analyze problems, identify alternative solutions, project consequences of proposed actions, and implement recommendations in support of police training goals;
- research, analyze, and evaluate new Police Academy service delivery methods, procedures, and techniques;
- prepare and administer budgets;
- prepare clear and concise administrative reports;
- interpret and apply the policies, procedures, laws, codes, and regulations of the state, city and Division pertaining to police training programs and functions;
- communicate clearly and concisely, both orally and in writing;
- establish, maintain, and foster positive and harmonious working relationships with those contacted in the course of work;
- operate modern office equipment including computer equipment and software; and
- operate a motor vehicle safely.

Minimum Qualifications

Experience:

The Training Director must have one year of formal training, internship, or leadership experience reasonably related to the administrative assignment.

The Training Director must demonstrate sensitivity to and understanding of the diverse academic, socioeconomic, cultural, physical ability, gender identity, sexual orientation, and ethnic backgrounds of Division employees.

Master's Degree from an accredited college or university.

License or Certificate:

The Training Director shall possess or be able to obtain, an appropriate valid driver's license.

The Training Director shall possess the ability to obtain, within one year of employment, Academy Director's POST Certificate.

Additional Requirements:

The Training Director shall possess the ability to work in a standard office environment, including ability to sit, stand, walk, kneel, crouch, stoop, squat, twist, and lift 20 lbs., and must possess the ability to travel to different sites and locations.

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