

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

CONSENT DECREE

Independent Monitor - Twelfth Quarterly Report

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Independent Monitor
April 27, 2020



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TWELFTH QUARTERLY REPORT
(OCTOBER 1, 2019 to DECEMBER 31, 2019)

I. EXECUTIVE SUMMARY OF TWELFTH QUARTER'S ACTIVITIES
(OCTOBER 1, 2019 – DECEMBER 31, 2019)

This is Independent Monitor Peter C. Harvey's Twelfth Quarterly Report, which comments on the City of Newark's (the "City") and Newark Police Division's ("NPD") progress with Consent Decree reforms during the period from October 1, 2019 to December 31, 2019.¹ For a more detailed introduction to the Independent Monitoring Team, the Consent Decree, and the Parties to the Consent Decree, please see the Monitoring Team's website:

<https://www.newarkpdmonitor.com/>.

Appendix A provides a list of this quarter's key Consent Decree events.

Appendix B is the *Monitoring Team's Compliance Chart*, which shows NPD's progress with all Consent Decree tasks through the publication of this Quarterly Report.

Appendix C provides the status of NPD's Consent Decree-related trainings.

Appendix D provides the status of NPD's Consent Decree-related policies.

Appendix E is the *Monitoring Team's First Body-Worn Camera Audit Report*, which provides the results of the Monitor's first audit of NPD's use of body-worn cameras.

II. DETAILED STATUS UPDATES

In this Quarterly Report, the Monitoring Team provides an overview of its analysis and recommendations concerning NPD's internal affairs investigations procedural

¹ Unless otherwise stated, the City's and NPD's progress with respect to Consent decree tasks, as described in this Quarterly Report, reflects developments as of December 31, 2019.

manual. This Report also emphasizes the need for NPD to develop a youth engagement strategy, and provides an update on NPD's progress thus far under the Consent Decree.

As discussed in the Eleventh Quarterly Report (July 1, 2019 – September 30, 2019), the Monitoring Team completed its *first* audit of NPD's body-worn cameras. This Report includes a summary and report of that audit's findings. Further, the Monitoring Team provides an update on NPD's progress toward improving its data systems.

A. Internal Affairs

In 2018, the United States Department of Justice ("DOJ") contracted with a third-party vendor to assist NPD in developing an internal affairs investigations Procedural Manual ("Procedural Manual"). Although not specifically required by the Consent Decree, this Procedural Manual is intended to provide detailed investigative standards and practices for detectives assigned to the Internal Affairs/OPS Unit. A comprehensive Procedural Manual is a critical component of modern police internal affairs investigations, and supplements NPD's Revised Internal Affairs policies, that do not provide a step-by-step guide to complete and fair investigations. Moreover, standard uniform investigative procedures not only will result in more thorough and accurate internal affairs investigations, they also will assist Newark's Civilian Complaint Review Board ("CCRB") in its reviews as contemplated by the Consent Decree. (*See* Consent Decree ¶ 13.) During this review period, the Monitoring Team's internal affairs Subject Matter Experts ("SMEs") undertook a detailed review of (a) the draft manual developed by DOJ's vendor in July 2019 and (b) the nearly 800-page draft Internal Affairs training curriculum that was created by NPD's and DOJ's vendor, and purportedly reflected the substance of the Procedural Manual. After our review, the Monitoring Team delivered substantive feedback to NPD on the draft Procedural Manual.

In the Monitor's view, a proper internal affairs manual should direct detectives, in specific detail, regarding how to approach, address, and respond to the various issues that arise in conducting internal affairs investigations. These tasks are some of the most challenging assignments in NPD and any other police force. The Monitoring Team determined that the draft Procedural Manual fell short of minimum standards in multiple respects. While the Monitoring Team continues to support NPD in revising the Procedural Manual, as of the date of publication of this Report, the Monitoring Team offers a summary of its initial comments to NPD to keep the Court and public abreast of this important process.

- The draft Procedural Manual was not detailed enough to guide OPS investigators in the performance of the tasks necessary to do a thorough and accurate investigation. For example, much of the draft instructs the reader to refer to outside materials such as NPD's General Orders and Rules and Regulations, the Consent Decree, New Jersey's Attorney General Guidelines, statutes and court cases, without discussing or explaining what the detective will learn from examining those sources. While a manual will necessarily encompass and refer to other materials, the Monitor believes that the Procedural Manual should exist as a stand-alone, self-contained and independent instructional document; one to which investigators are able to consult at any time without much, if any, need to examine external resources.
- The draft was titled a "Guidebook" rather than a "Manual." Hence, it was written as if it provided *suggestions*, rather than *mandatory* procedures. The procedures set out in the Procedural Manual cannot be optional. Categorizing investigative procedural steps as "guides" devalues their importance and may mislead detectives into viewing them as optional or permissive rather than compulsory.
- The Monitoring Team found structural and organizational problems with the draft that rendered it difficult to use for quick reference. For example, the draft lacked a table of contents. While that omission may seem minor, its absence will hinder a busy detective's ability to find the pages that instruct her/him about how to correctly handle a particular situation, *i.e.*, the interview of a minor. Also, many of the sections were repetitive. Additionally, the substance of some sections did not match the section headings. Moreover, the order in which the action items were placed was confusing in some instances.

- The draft omitted many substantive topics that the Monitoring Team and NPD agreed during prior reporting periods would not be included in the general internal affairs policy (G.O. 18-25)—so as to streamline that document—but included in the Procedural Manual. The Monitoring Team identified at least 15 such topics. Regarding these omissions, it appears that DOJ’s vendor did not incorporate into the the draft Procedural Manual information given to it by members of NPD’s Consent Decree Planning Unit (“CDPU”) who had theresponsibility to develop the Procedural Manual. Hence, the draft of theProcedural Manual did not include the key information that both NPD andthe Monitor agreed in prior conversations would be placed in theProcedural Manual. Those conversations, occurring over the last twoyears concerning the development of the new internal affairs policy andthe choices made by NPD to place instructions regarding “how to do a complete and accurate investigation” in the Procedural Manual.

On December 27, 2019, the Monitoring Team participated in a conference call with DOJ and NPD to discuss these issues. The Parties agreed that moving forward, NPD’s Consent Decree Planning Unit would collaborate directly with the Monitoring Team to revise the draft Procedural Manual.

Equally as important, NPD’s new internal affairs training curriculum will include the revised internal affairs policy and the Procedural Manual so that internal affairs detectives and all supervisors receiving the training fully understand best practices in conducting internal affairs investigations. DOJ’s vendor is no longer a part of that process. The Monitoring Team also agreed to conduct a parallel review of NPD’s internal affairs training curriculum while NPD rewrites its Procedural Manual. The Monitoring Team will provide an update on those efforts in the next (Thirteenth) Quarterly Report, covering the period January 1, 2020 through March 31, 2020.

B. Youth Engagement

A goal of the Consent Decree is to increase cooperation and trust between NPD and the community that it serves, particularly young people, through various community engagement and problem-oriented policing initiatives. Consent Decree Paragraph 14 requires

NPD to develop training that provides officers with “methods and strategies to improve public safety and crime prevention through community engagement, including . . . how to create opportunities for **positive interactions with youth.**” (emphasis added). Similarly, Paragraph 17 states that “NPD will implement mechanisms to periodically measure the breadth, extent, and effectiveness of its community partnerships and problem-solving strategies, including officer outreach, **particularly outreach to youth.**” (emphasis added).

Additionally, the Consent Decree also provides that NPD will “implement practices to seek and respond to input from the community about [the Consent Decree’s] implementation.” (Consent Decree ¶ 19). To state the obvious, an important segment of the Newark community is Newark youth. It is thus critical for NPD to develop a youth engagement strategy to incorporate the voices of those who are among the most likely to have frequent contact with police officers.²

The Independent Monitor believes that a youth engagement strategy is critical to NPD’s long-term success in implementing and institutionalizing its youth outreach efforts and the Consent Decree’s reforms. One should keep in mind that today’s youth become tomorrow’s adults and leaders. A positive engagement with young people presently leads to a relationship of trust in the future. The New Jersey Institute for Social Justice, a Subject Matter Expert for Community Engagement, has observed NPD’s youth engagement efforts and similarly emphasizes the urgent need for NPD to develop a comprehensive youth engagement strategy.

² Information from the U.S. Department of Justice Office of Justice Programs, Bureau of Justice Statistics, which collects data on police–public contact for young people between the ages of 16 and 24, shows that this age group is more likely to experience contact with the police than members of other age groups. For example, nationally, persons ages 16 to 17 (4.7%) and ages 18 to 24 (6.3%) were more likely to be a passenger in a traffic stop than older persons and were also more likely to experience a street stop than older residents. See Elizabeth Davis, Lynn Langton and Anthony Whyde, *Contacts Between Police and the Public, 2015*, U.S. DEP’T. OF JUSTICE OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE STATISTICS (Oct. 2018), <https://www.bjs.gov/content/pub/pdf/cpp15.pdf>.

An effective community engagement strategy is one that will build trust between NPD and the community it serves—not just for the duration of the court-enforced Consent Decree, but for generations to come. NPD should involve the youth of Newark in this process, especially youth who have grown distrustful of police.

NPD reports that it has developed partnerships with community-based organizations such as Operation Conversation: Cops & Kids, a police-community relations model program co-run by the All Stars Project. Partnerships such as these are crucial to improving police-youth relations, but they do not negate NPD's need for a youth engagement strategy. A comprehensive youth engagement strategy will allow NPD to (1) set goals for its youth outreach efforts, (2) track the effectiveness of those efforts and (3) ensure that its commitment to Newark's youth lasts beyond the current administration and the term of the Consent Decree.

There is a genuine desire in Newark for an NPD-led youth engagement strategy that fosters stronger ties between police and youth and presents opportunities for Newark youth to communicate with NPD and City officials. These interactions can lead to tangible crime prevention and safer neighborhoods for the City's youth. As reported in the Independent Monitor's Ninth Quarterly Report (January 1, 2019 - March 31, 2019), many Newark youth would like to engage with police officers, not only in recreational settings, but in ways directly related to police-youth interactions and the kinds of policing services youth would like to receive. (*See generally* Independent Monitor's Ninth Quarterly Report Section II(B).) For example, youth participating in the Monitoring Team's listening sessions expressed a desire for officers and youth to co-host *Know Your Rights* sessions for community members, and for NPD to hold youth-only or youth-led community forums so that young people can have a platform to

inform NPD of their ideas and concerns. Furthermore, the City of Newark has expressed a commitment to ensuring and protecting the quality of life for Newark youth, including by improving youth-police interactions.³

During this reporting period, on October 16, 2019, members of the Monitoring Team met with members of NPD and DOJ to discuss NPD's youth engagement strategy. During that meeting, Newark's Public Safety Director agreed to provide the Monitoring Team with NPD's precinct-by-precinct youth engagement strategy by November 28, 2019 (Thanksgiving Day). On February 25, 2020, NPD did provide the Monitoring Team with a draft of its youth engagement strategy. The Monitoring Team will study this strategy and report on it in its Thirteenth Quarterly Report covering the period from January 1, 2020, to March 31, 2020.

C. The Monitoring Team's *First* Audit of Body-Worn Cameras

Pursuant to Consent Decree Paragraph 173, the Monitoring Team's compliance reviews and audits are conducted to determine whether "the City and NPD have: (a) incorporated the [Consent Decree] requirement into the policy; (b) trained all relevant personnel as necessary to fulfill their responsibilities pursuant to the requirement; and (c) implemented the requirement in practice." The Consent Decree also requires NPD to "develop and implement a policy regarding body-worn camera video and audio recording that will address issues including use, retention, privacy issues, and the use of recordings as evidence in force and complaint reviews, and the use of recordings for other criminal justice purposes (such as evidence in prosecutions)." (Consent Decree ¶ 104.)

³ See Ras J. Baraka, *Youth Homicides Have Dropped 40% in Newark, Yet There Is More Work to Do, Mayor Says*, STAR LEDGER (April 4, 2019), <https://www.nj.com/opinion/2019/04/youth-homicides-have-dropped-40-in-newark-yet-there-is-more-work-to-do-mayor-says.html>.

As reported in the Ninth Quarterly Report, the Monitoring Team commenced an audit to assess NPD's compliance with the requirements of the Consent Decree and its revised Body-Worn Camera policy. The *first* audit, which covered the period from May 1, 2019 through June 30, 2019, consisted of a review of videos from call types that would have necessitated body-worn camera activation. The Monitoring Team reviewed a total of 270 officer videos from a random selection of 200 calls.

The Monitoring Team established four objectives to evaluate NPD's compliance both with the requirements of the Consent Decree and its own policies and procedures: (1) timely activation; (2) notification to the subjects that they are being recorded; (3) appropriate deactivation; and (4) proper categorization. To achieve compliance, at least 95% of the videos must have met each objective's standard.

The Monitoring Team's audit found that the NPD complied with its policy in the areas of (i) deactivation and (ii) categorization of body-worn camera videos. However, NPD failed to comply with its policy in the areas of (iii) activation and (iv) notification.

Of the sample videos reviewed, 90.74% showed that the body-worn camera had been *activated* according to NPD's policy; 77.95% showed that the subject of the police encounter was *notified* that the camera was recording at the earliest opportunity that was safe and feasible; 96.55% showed that the video was *deactivated* according to the policy; and 95.02% were *categorized* properly.

The following table provides a summary of the findings for each of the four objectives.

Table 1: Summary of Audit Findings by Objective

Objective No.	Objective Description	Number of Population	Number of Videos Meeting Standard	Percent Meeting Standards
1	Activation: Was the body-worn camera activated according to policy?	270	245	90.74%
2	Notification: Was the subject notified that the camera is recording at the earliest opportunity that is safe and feasible?	195	152	77.95%
3	Deactivation: Was the body-worn camera deactivated according to policy?	261	252	96.55%
4	Categorization: Is the video categorized properly?	261	248	95.02%

Based on the Monitoring Team's experience while conducting the review and the audit's findings, the Monitoring Team recommends that NPD should:

1. Issue a memorandum to all sworn employees to remind them (a) when to activate a body-worn camera, (b) how to properly document the reason an officer fails to do so, and (c) how to properly notify a subject of the police encounter that they are being recorded. This memorandum should include an instruction for Supervisors to make the notification, even if they arrive on-scene well after the initiation of an event;
2. Create a brief refresher training on its body-worn camera policy to reinforce for officers when they need to activate a body-worn camera, how to properly document the reason an officer fails to activate according to policy, and how to properly notify someone that they are being recorded; and
3. Complete the integration between Computer Aided Dispatch ("CAD") and body-worn camera systems to allow for a video to be automatically labeled with the correct event number.

As noted in the Eleventh Quarterly Report (July 1, 2019 through September 30, 2019), the Monitoring Team may make recommendations to NPD pursuant to the Consent Decree. [See Consent Decree ¶ 181 ("The Monitor may make recommendations to the Parties

regarding any relevant issues, including measures the Monitor believes are necessary to ensure timely, full, and effective implementation of [the Consent Decree] and its underlying objectives.”)]. The Monitor is not *required* by the Consent Decree to offer any recommendations based on its review of the materials. Importantly, any recommendations that the Monitoring Team might choose to offer are *not* Consent Decree requirements. Thus, NPD is not obligated to implement or adopt *any* recommendation offered by the Monitoring Team related to its recommendations.

D. NPD’s Progress Toward Improving Its Data Systems

As reported in the Monitor’s Ninth Quarterly Report (January 1, 2019 – March 31, 2019), in November 2018, NPD retained an independent consulting group to perform a comprehensive assessment of its information and technology (“IT”) and data systems. Since the conclusion of the consulting group’s assessment in November 2018, NPD and the City have taken some important initial steps towards addressing the recommendations provided to it by the consulting group and the Monitoring Team, including creating a position for an individual who will be responsible for managing NPD’s technology strategy and personnel and seeking resources to aid in improving its data systems.

The Monitoring Team has long believed that for NPD to successfully complete all Consent Decree tasks, it will need to hire an IT leader to assume ownership of NPD’s efforts to improve its IT and data systems. Whether that IT leader is a full-time employee of NPD or a third-party contractor/vendor is a decision left to both NPD and the City. Toward that end, in October 2019, NPD and the City created a job posting for an Information Technology Director within the Department of Public Safety. NPD has also begun to interview candidates for this position. However, as of the publishing of this Quarterly Report, the position remains unfilled.

NPD also has secured additional resources to help it improve their IT and data systems. During this reporting period, NPD applied for a grant from the Bureau of Justice Assistance (“BJA”) to retain a consultant with knowledge and experience in data analysis and information systems. The consultant will develop a gap analysis—a comparison of actual NPD capabilities with desired information technology performance—to assist NPD in improving its data systems.

The Monitoring Team will continue to report on the City’s and NPD’s efforts in this area in future quarterly reports.

III. NEXT QUARTER ACTIVITIES (JANUARY 1, 2020 – MARCH 31, 2020)

A. Audits

Under Paragraph 173 of the Consent Decree, the Monitor must “conduct reviews or audits as necessary to determine whether the City and NPD have implemented and continue to comply with the requirements” of the Consent Decree. On October 31, 2019, the Monitoring Team provided the Parties with an anticipated schedule for providing NPD and the City with notification of future audits.

During this reporting period, on October 15, 2019, the Monitoring Team advised the Parties of its intent to conduct its *first* Use of Force audit. Subsequently, on December 19, 2019, the Monitoring Team provided additional information to the Parties regarding the audit, such as the specific standards or metrics that will be used to assess NPD’s compliance. The Use of Force audit commenced after this reporting period, in February 2020.

IV. APPENDICES

- A. Chronology of Key Events**
- B. Compliance Chart**
- C. Training Administration Status Update Chart**
- D. Policy Status Update Chart**
- E. *First* Body-Worn Camera Audit Report**

Appendix A

Timeline (Meetings, Milestones and Events)**Monitoring Team's Twelfth Quarterly Report — October 1 through December 31, 2019.**

Date	Event
October 16, 2019	Members of the Monitoring Team, NPD and DOJ meet to discuss NPD's youth engagement strategy.
October 25, 2019	The Monitoring Team releases its Ninth Quarterly Report.
November 7, 2019	Members of the Monitoring Team and NPD visit a neighborhood in the Fifth Precinct to observe work being done under NPD's Neighborhood Policing Plans.
November 7, 2019	Members of the Monitoring Team and NPD meet to discuss Community Policing practices, Neighborhood Policing Plans, and auditing processes.
November 15, 2019	The City of Newark files its Seventh Status Report.
November 15, 2019	NPD's revised <i>Complaint Intake & Investigation Process</i> policy (GO 18-25) scheduled to go into effect.
November 19, 2019	The Monitoring Team holds a community meeting to discuss its Eighth and Ninth Quarterly Reports at Beulah Grove Baptist Church.
November 29, 2019	NPD posts its Community Engagement Report for the Third Quarter of 2019 on its website.
December 3, 2019	NPD hosts meeting attended by members of the Monitoring Team and the Newark community to gather feedback on NPD's Bias-Free Policing training.
December 6, 2019	Members of the Monitoring Team and NPD visit a neighborhood in the Sixth Precinct to observe work being done under NPD's Neighborhood Policing Plans.
December 6, 2019	Members of the Monitoring Team and NPD meet to discuss results of the Monitoring Team's first training records audit.
December 6, 2019	Members of the Monitoring Team and NPD meet to discuss Community Policing auditing processes.
December 9, 2019	NPD hosts a community event to discuss its Seventh Status Report.

Appendix B

**Consent Decree Compliance and Implementation
(March 30, 2016 to April 27, 2020)**

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I. Definitions

NPD's compliance with the deadlines set forth in the Consent Decree and the Second-Year Monitoring Plan will be assessed using the following categories: (1) not assessed, (2) initial development, (3) preliminary compliance, (4) operational compliance, (5) non-compliance, (6) administrative compliance, and (7) full compliance. Each of these terms is defined below.

1. Not Assessed

"Not Assessed" means that the Monitoring Team did not assess the Consent Decree provision during this reporting period. Acceptable reasons for why a requirement was not assessed may include that the deadline has not passed or some other substantive reason.

2. Initial Development

"Initial Development" means that during the auditing period, NPD has taken meaningful steps toward achieving compliance with a Consent Decree requirement that is not yet scheduled for completion. Initial Development will be noted only if NPD's efforts are consistent with established timeframes in the Monitoring Plan or Consent Decree. Where NPD was expected to have achieved at least Initial Development during the auditing period, and has not, NPD has been found not to be in compliance.

3. Preliminary Compliance

"Preliminary Compliance" means that during the reporting period, NPD has developed, and the Independent Monitor, DOJ, and City have approved, respective policies or standard operating procedures ("SOPs") and related training materials that are consistent with a Consent Decree requirement. This category only applies to SOPs and training.

4. Operational Compliance

"Operational Compliance" means that NPD has satisfied a Consent Decree requirement by demonstrating routine adherence to the requirement in its day-to-day operations or by meeting the established deadline for a task or deliverable that is specifically required by the Consent Decree or Monitoring Plan. NPD's compliance efforts must be verified by reviews of data systems, observations from the Monitoring Team, and other methods that will corroborate its achievement. In this report, the Monitoring Team only will assess NPD for compliance with established deadlines.

5. Non-Compliance

"Non-Compliance" means that NPD has either made no progress towards accomplishing compliance, or has not progressed beyond Initial Development at the point in time when NPD is expected to have at least achieved Preliminary Compliance for the reporting period.

6. Administrative Compliance

“Administrative Compliance” means that during the auditing period, NPD has completed all necessary actions to implement a Consent Decree requirement, but General Compliance has not yet been demonstrated in NPD’s day-to-day operations.

7. Full Compliance

“Full Compliance” means that all Monitor reviews have determined that NPD has maintained Operational Compliance for the two-year period.

8. Effective Date

The “Effective Date” is March 30, 2016. *See* Consent Decree, Section II(4)(s).

9. Operative Date

The “Operational Date” is July 12, 2016. *See* Consent Decree, Section II(4)(ff).

II. General Officer Training

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement¹	Status	Discussion
NPD will provide officers at least 40 hours of in-service training each year.	¶ 9	Within two years of the Effective Date (March 30, 2018) and then annually thereafter	Ongoing	Eight hours of community policing training was provided in 2019.
NPD will provide training to officers regarding the requirements of the Consent Decree, and the timeline for their implementation.	¶ 10	Within 90 days of the Operational Date (October 10, 2016)	Preliminary Compliance	See First Quarterly Report, Section IV(B).
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of individual policies	N/A	The status for training requirements for each Consent Decree area (e.g., use of force, bias-free policing), are located in those sections of this Chart.

¹ Deadlines in the Compliance Chart reflect the original deadlines set forth in the Consent Decree. The deadlines do not reflect deadlines established as part of the First or Second-Year Monitoring Plans.

General Officer Training (Continued)

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement¹	Status	Discussion
NPD will maintain complete and consistent training records for all officers.	¶ 12	Within two years of the Effective Date (March 30, 2018) ²	Initial Development	<p>NPD reports that it has entered all training records into PowerDMS.</p> <p>The Monitor will assess this requirement during compliance audits.</p>

² Consent Decree Paragraph 5 provides that “NPD will develop comprehensive and agency-wide policies and procedures that are consistent with and incorporate all substantive requirements of this Agreement. Unless otherwise noted, NPD will develop and implement all such policies, procedures, and manuals within two years of the Effective Date.”

III. Community Engagement and Civilian Oversight (including Community Policing)

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD will review and revise its current community policing policy or policies to ensure compliance with Consent Decree.	§ V; ¶ 5	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of policy	Non-Compliance	The Monitor will assess this requirement during compliance audits.
Civilian Oversight (¶ 13)				
The City will implement and maintain a civilian oversight entity.	¶ 13	Within 365 days of the Effective Date (March 30, 2017)	Non-Compliance	See Sixth Quarterly Report, Section III(A)(2).
Community Engagement Measures and Training (¶¶ 14-21)				
NPD will provide 8 hours of in-service training on community policing and problem-oriented policing methods and skills for all officers, including supervisors, managers and executives, and at least 4 hours annually thereafter.	¶ 14	July 9, 2017	Preliminary Compliance	See Ninth Quarterly Report, Appendix C.
NPD will assess and revise its staffing allocation and personnel deployment to support community policing and problem solving initiatives, and will modify deployment strategies that are incompatible with community policing. NPD's assessment and modified strategy must be approved by the DOJ and Monitor.	¶ 15	July 9, 2017	Non-Compliance	See Eighth Quarterly Report, Section II(A).
NPD will assign two officers to each precinct to work with residents to identify and address communities' priorities, and who are not assigned to answer calls for service except in exigent circumstances.	¶ 16	Pending completion of the assessment required in ¶ 15	Initial Development	See Seventh Quarterly Report, Section II(A)(1).

Community Engagement and Civilian Oversight (including Community Policing) Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD will implement mechanisms to measure the breadth, extent, and effectiveness of its community partnerships and problem-solving strategies, including officer outreach, particularly outreach to youth.	¶ 17	Within 210 days of the Operational Date (February 7, 2017)	Initial Development	See Seventh Quarterly Report, Section II(A)(1).
NPD will prepare a publicly available report of its community policing efforts overall and in each precinct.	¶ 18	Within 240 days of the Operational Date March 9, 2017	Initial Development	See Ninth Quarterly Report, Section II(E).
NPD and the City will implement practices to seek and respond to input from the community about the Consent Decree's implementation. Such practices may include direct surveys, comment cards and town hall meetings.	¶ 19	Within two years of the Effective Date (March 30, 2018)	Initial Development	See Ninth Quarterly Report, Section II(E).
All NPD studies, analyses, and assessments required by this Agreement will be made publicly available, including on NPD and City websites, in English, Spanish, and Portuguese, to the fullest extent permitted under law.	¶ 20	Within two years of the Effective Date (March 30, 2018)	Not Assessed	
NPD will implement a policy to collect and maintain all data and records necessary to facilitate transparency and wide public access to information related to NPD policies and practices, as permitted by law.	¶ 21	Within two years of the Effective Date (March 30, 2018)	Not Assessed	

IV. Stops, Searches, and Arrests

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
Investigatory Stops and Detentions (§§ 25-28)				
NPD will review and revise its current stop, search, and arrest policy or policies to ensure compliance with Consent Decree, consistent with Paragraphs 25-28.	¶ 5	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the stop, search, and arrest policies or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of policy	Preliminary Compliance	See Eighth Quarterly Report, Section II(C).
NPD will train officers to use specific and individualized descriptive language in reports or field inquiry forms.	¶ 26	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Fourth Quarterly Report, Section III(C)(3).
Searches (§§ 29-34)				
NPD will review and revise its current stop, search, and arrest policy or policies to ensure compliance with Consent Decree, consistent with Paragraphs 29-34.	¶ 5	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the stop, search, and arrest policies or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of policy	Preliminary Compliance	See Ninth Quarterly Report, Appendix C.

Stops, Searches, and Arrests Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
Arrests (§§ 35-42)				
NPD will review and revise its current stop, search, and arrest policy or policies to ensure compliance with Consent Decree, consistent with Paragraphs 35-42.	¶ 5	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the stop, search, and arrest policies or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of policy	Preliminary Compliance	See Ninth Quarterly Report, Appendix C.
Stop, Search, and Arrest Training (§§ 43-50)				
NPD will provide 16 hours of training to all NPD personnel on the First and Fourth Amendments, including the topics set forth in ¶ 43 of the Consent Decree, and at least an additional 4 hours on an annual basis thereafter.	¶ 43	November 1, 2017	Preliminary Compliance	See Ninth Quarterly Report, Appendix C.
NPD supervisors will take appropriate action to address violations or deficiencies in stops, detentions, searches, and arrests; maintain records; and identify repeat violators.	¶ 48	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
Stop, Search, and Arrest Data Collection and Review (§§ 51-54)				
NPD will implement use of data collection form, in written or electronic report form, to collect data on all investigatory stops and searches, as approved by the DOJ and Monitor.	¶ 52	September 9, 2017	Initial Development	See Tenth Quarterly Report, Section I(C).

Stops, Searches, and Arrests Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD will develop a protocol for comprehensive analysis of stop, search and arrest data, subject to the review and approval of the DOJ and Monitor.	¶ 53	Within two years of the Effective Date (March 30, 2018)	Non-Compliance	
NPD will ensure that all databases comply fully with federal and state privacy standards governing personally identifiable information. NPD will restrict database access to authorized, identified users who will be permitted to access the information only for specific, legitimate purposes.	¶ 54	Within two years of the Effective Date (March 30, 2018)	Not Assessed	
First Amendment Right to Observe, Object to, and Record Officer Conduct (¶¶ 55-62)				
NPD will require or prohibit officer conduct to comply with ¶¶ 55-62 of the Consent Decree.	¶¶ 55-62	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.

V. Bias-Free Policing

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD will review and revise its current bias-free policing policy to ensure compliance with Consent Decree, consistent with Section VII.	¶ 5	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of policy	Preliminary Compliance	See Ninth Quarterly Report, Appendix C.
NPD will provide all NPD personnel with a minimum of eight hours of training on bias-free policing, including implicit bias, procedural justice, and police legitimacy, and at least four hours annually thereafter.	¶ 63	July 1, 2017	Preliminary Compliance	See Ninth Quarterly Report, Appendix C.
NPD will prohibit officers from considering any demographic category when taking, or refraining from taking, any law enforcement action, except when such information is part of an actual and credible description of a specific suspect in an ongoing investigation that includes other appropriate non-demographic identifying factors. NPD will also prohibit officers from using proxies for demographic category, including language ability, geographic location, mode of transportation, or manner of dress.	¶ 64	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will conduct quarterly demographic analyses of its enforcement activities to ensure officer, unit and Division compliance with the bias-free policing policy.	¶ 65	Within two years of the Effective Date (March 30, 2018) and then Quarterly thereafter.	Non-Compliance	See Fourth Quarterly Report, Section III(B)(4).

VI. Use of Force

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
Use of Force Policy (§§ 66-70)				
NPD will develop and implement a use of force policy or set of policies that cover all force techniques, technologies, and weapons that are available to NPD officers consistent with §§ 66-70. The policy or policies will clearly define each force option and specify that unreasonable use of force will subject officers to discipline.	¶ 66	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the use of force policy or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of policy	Preliminary Compliance	See Ninth Quarterly Report, Appendix C.
NPD will provide resources for officers to maintain proper weapons certifications and will implement sanctions for officers who fail to do so.	¶ 70	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
Use of Firearms (§§ 71-74)				
NPD will develop and implement a use of firearms policy consistent with §§ 71-74.	¶ 5	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the use of force policy or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of policy	Preliminary Compliance	See Ninth Quarterly Report, Appendix C.

Use of Force Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
Officers will be prohibited from using unauthorized weapons or ammunition in connection with or while performing policing duties. In addition, all authorized firearms carried by officers will be loaded with the capacity number of rounds of authorized ammunition.	¶ 71	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will prohibit officers from discharging a firearm at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force.	¶ 72	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will prohibit officers from unholstering or exhibiting a firearm unless the officer reasonably believes that the situation may escalate to create an immediate threat of serious bodily injury or death to the officer or another person.	¶ 73	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will require that officers successfully qualify at least twice a year with each firearm they are authorized to use or carry while on duty.	¶ 74	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
Use of Force Reporting and Investigation (¶¶ 75-85)				
NPD will adopt a use of force reporting system and a supervisor Use of Force Report, separate from the NPD's arrest and incident reports, and which includes individual officers' accounts of their use of force.	¶ 75	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will require that officers notify their supervisor as soon as practicable following any reportable use of force.	¶ 76	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.

Use of Force Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD, in consultation with Monitor and DOJ, will categorize force into levels to report, investigate, and review each use of force. The levels will be based on the factors set forth in ¶ 77.	¶ 77	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	
NPD will establish a Serious Force Investigation Team (“SFIT”) to review Serious Force Incidents, conduct criminal and administrative investigations of Serious Force incidents, and determine whether incidents raise policy, training, tactical, or equipment concerns. Lower or intermediate force incidents will be investigated by line supervisors.	¶ 78	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
Every level of force reporting and review will include the requirements set forth in ¶ 79.	¶ 79	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.
Upon arrival at the scene, the supervisor will identify and collect evidence sufficient to establish the material facts related to use of force, where reasonably available.	¶ 80	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.
All officers who used force above Low Level will provide an oral Use of Force statement in person to the supervisor on the scene prior to the subject’s being booked, or released, or the contact otherwise concluded, unless impractical under the circumstances.	¶ 81	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.
Pursuant to policy and as necessary to complete a thorough, reliable investigation, supervisors will comply with the requirements of ¶ 82.	¶ 82	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.

Use of Force Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
Supervisors will investigate and evaluate in writing all uses of force for compliance with law and NPD policy, as well as any other relevant concerns.	¶ 83	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.
Supervisors' documentation of the investigation and evaluation will be completed within 72 hours of the use of force, unless the supervisor's commanding officer approves an extension.	¶ 84	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will analyze the data captured in officers' force reports and supervisors' investigative reports on an annual basis to identify significant trends, to correct deficient policies and practices, and to document its findings in an annual report that will be made publicly available pursuant to Section XV of the Consent Decree.	¶ 85	Within two years of the Effective Date and annually thereafter (March 30, 2018)	Non-Compliance	
Use of Force Review (¶¶ 86-89)				
The chain-of-command supervisor reviewing the investigative report will ensure that the investigation is thorough, complete, and makes the necessary and appropriate findings of whether the use of force was lawful and consistent with policy. Each higher-level supervisor in the chain of command will review the investigative report to ensure that it is complete, the investigation was thorough, and that the findings are supported by a preponderance of the evidence.	¶ 86	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.

Use of Force Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
A supervisor should ensure that additional investigation is completed when it appears that additional relevant and material evidence may assist in resolving inconsistencies or improve the reliability or credibility of the findings.	¶ 87	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.
When the precinct or unit commander finds that the investigation is complete and the evidence supports the findings, the investigation file will be forwarded to the Use of Force Review Board.	¶ 88	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.
Reporting and Investigation of Serious Force Incidents (¶¶ 90-94)				
NPD will create a multi-disciplinary Serious Force Investigation Team (“SFIT”) to conduct both the criminal and administrative investigations of Serious Force incidents, and to determine whether these incidents raise policy, training, tactical, or equipment concerns. SFIT will operate consistent with ¶¶ 91-94.	¶¶ 90-94	Within two years of the Effective Date (March 30, 2018)	Initial Development	NPD has created an All Force Investigation Team (“AFIT”) to address this Consent Decree requirement.
NPD will develop and implement a SFIT training curriculum and procedural manual. NPD will ensure that officers have received, read and understand their responsibilities pursuant to the General Order establishing the AFIT and General Orders establishing line supervisors’ responsibilities to investigate lower and intermediate use of force incidents and that the topic is incorporated into the in-service training required.	¶¶ 11, 90	Within 60 days after approval of policies	Preliminary compliance	

Use of Force Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
Use of Force Review Board (§§ 95-102)				
NPD will implement a General Order establishing the Use of Force review Board (“UFRB”), ensure that it is staffed consistent with the Consent Decree provisions, and ensure that the responsibilities assigned are consistent with Consent Decree provisions.	§§ 95-102	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD’s UFRB will conduct timely, comprehensive, and reliable reviews of all Intermediate and Serious Force incidents. The UFRB also will conduct the administrative review of incidents in which the ECPO has completed an investigation pursuant to New Jersey Attorney General Directive 2006-05.	§§ 95-102	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
Each member of the UFRB will receive a minimum of eight hours of training on an annual basis, including legal updates regarding use of force and the Training Section’s current use of force curriculum.	§ 97	Within 60 days after approval of policies	Not Assessed	The Monitor will assess this requirement during compliance audits.
The NPD will include the civilian oversight entity in the review of completed SFIT investigations, as permitted by law.	§ 101	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.

VII. In-Car and Body-Worn Cameras

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD will develop, implement and maintain a system of video recording officers' encounters with the public with body-worn and in-car cameras. NPD will develop a policy to designate which cars and officers are exempt from the general in-car and body-worn camera requirements and a policy regarding footage and audio recordings from its in-car and body-worn cameras.	Section IX, ¶¶ 103-104	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D. The Monitor will assess this requirement during compliance audits.
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or policies and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of policy	Preliminary Compliance	See Eighth Quarterly Report, Section II(C).
NPD will equip all marked patrol cars with video cameras, and require all officers, except certain officers engaged in only administrative or management duties, to wear body cameras and microphones with which to record enforcement activity.	¶ 103	Within two years of the Effective Date (March 30, 2018)	Initial Development	See Eighth Quarterly Report, Section II(C). The Monitor will assess this requirement during compliance audits.

VIII. Theft (including Property and Evidence Management)

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD will ensure that in all instances where property or evidence is seized, the responsible officer will immediately complete an incident report documenting a complete and accurate inventory of the property or evidence seized, and will submit the property or evidence seized to the property room before the end of tour of duty.	¶ 105	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will conduct regular, targeted, and random integrity audits to detect and deter theft by officers. NPD will employ tactics such as increased surveillance, stings, and heightened scrutiny of suspect officers' reports and video-recorded activities.	¶ 106	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will conduct periodic reviews of the disciplinary histories of its officers who routinely handle valuable contraband or cash, especially those in specialized units, to identify any patterns or irregularities indicating potential risk of theft by officers.	¶ 107	Ongoing	Non-Compliance	N/A

Theft (including Property and Evidence Management) Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
To the extent permitted by law and NPD's collective bargaining agreements, NPD will transfer officers with any sustained complain of theft, or two not sustained or unfounded complaints of theft occurring within one year, out of positions where those officers have access to money, property, and evidence. Aspects of officers' disciplinary histories that relate to honesty and integrity will be considered in making decisions regarding reassignment, promotions, and similar decisions.	¶ 108	Ongoing	Initial Development	See First Quarterly Report, Section V(C)(6).
NPD will report all theft allegations to the New Jersey Department of Law and Public Safety and will continue to report such allegations to the Essex County Prosecutor. Officers who have been the subject of multiple theft allegations will be identified as such in said reports.	¶ 109	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will create a chain of custody and inventory policy or policies to ensure compliance with ¶ 110 of the Consent Decree.	¶¶ 5; 110	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the chain of custody and inventory policy or policies and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of policies	Non-Compliance	See Ninth Quarterly Report, Appendix C.

Theft (including Property and Evidence Management) Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD will conduct and document periodic audits and inspections of the property room and immediately correct any deficiencies.	¶ 111	Ongoing	Initial Development	See Seventh Quarterly Report, Section II(B)

IX. Internal Affairs: Complaint Intake and Investigation

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
Complaint Process (¶¶ 112-120)				
NPD will create an Internal Affairs: Complaint Intake and Investigation policy or policies to ensure compliance with Section XI of the Consent Decree.	¶ 5, Section XI	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the Internal Affairs: Complaint Intake and Investigation policy or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of policy	Non-Compliance	See Ninth Quarterly Report, Appendix C.
The City and NPD, in collaboration with the civilian oversight entity or other community input, will develop and implement a program to effectively publicize to the Newark community how to make misconduct complaints.	¶ 112	Within 365 days of the Operational Date (July 12, 2017)	Not Assessed	
NPD and the City will revise and make forms and other materials outlining the complaint process and OPS contact information available on their website and appropriate government properties.	¶ 113	Within two years of the Effective Date (March 30, 2018)	Initial Development	See Fifth Quarterly Report, Section III(C)(4).
NPD will accept all complaints, by all methods and forms detailed in ¶ 114.	¶ 114	Ongoing	Initial Development	See Fifth Quarterly Report, Section III(C)(4).

Internal Affairs: Complaint Intake and Investigation Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD will provide civilians, including complainants and witnesses to alleged police misconduct, with full access to NPD's complaint process. NPD will review and revise its policies for releasing complaints and misconduct allegations to make such complaints and allegations publicly available and ensure compliance with the Consent Decree.	¶ 115	Ongoing	Initial Development	See Eighth Quarterly Report, Section II(D)(2).
NPD will train all police personnel, including dispatchers, to properly handle complaint intake; the consequences for failing to take complaints; and strategies for turning the complaint process into positive police-civilian interaction.	¶ 116	Within 180 days of the Operational Date (January 8, 2017)	Non-Compliance	
NPD will conduct regular, targeted, and random integrity audits to identify officers or other employees who refuse to accept or discourage the filing of misconduct complaints, fail to report misconduct or complaints, or provide false or misleading information about filing a misconduct complaint.	¶ 117	Ongoing	Non-Compliance	See Seventh Quarterly Report, Section II(C).
NPD will review the results of the audits conducted pursuant to ¶ 117 and take appropriate action to remedy any problematic patterns or trends.	¶¶ 117-118	Ongoing	Not Assessed	See Sixth Quarterly Report, Section III(F)(2)(a).

Internal Affairs: Complaint Intake and Investigation Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD will require that all officers and employees report allegations of criminal behavior or administrative misconduct by another NPD officer toward a member of the public, that they may observe themselves or receive from another source, to a supervisor or directly to OPS for review and investigation. When a supervisor receives such allegations, the supervisor will promptly document and report this information to OPS.	¶ 119	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will investigate as a misconduct complaint any information or testimony arising in criminal prosecutions or civil lawsuits that indicate potential officer misconduct not previously investigated by NPD.	¶ 120	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
Complaint Classification and Assignment of Investigative Responsibility (¶¶ 121-125)				
NPD will adopt and implement a complaint classification protocol that is based on the nature of the alleged misconduct, in order to guide OPS in determining where a complaint should be assigned for investigation.	¶ 121	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Fifth Quarterly Report, Section III(A)(5).
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of protocol	Non-Compliance	
NPD's OPS will investigate all allegations of Serious Misconduct as defined in the Consent Decree.	¶ 122	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.

Internal Affairs: Complaint Intake and Investigation Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD shall develop a protocol for determining whether other complaints will be assigned to the subject officer's supervisor, the precinct's Integrity Compliance Officer, or retained by OPS for an administrative investigation. OPS will also determine whether the misconduct complaint warrants a referral to federal or state authorities for a criminal investigation.	¶ 123	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	
OPS will routinely monitor investigations referred to officers' precincts and specialized units for quality, objectivity and thoroughness, and take appropriate action if investigations are deficient. OPS will identify trends in investigative or leadership deficiencies.	¶ 124	Ongoing	Non-Compliance	See Sixth Quarterly Report, Section III(B)(6).
OPS will routinely monitor investigations referred to officers' precincts and specialized units for quality, objectivity and thoroughness, and take appropriate action if investigations are deficient. OPS will also identify trends in investigative or leadership deficiencies.	¶ 124	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will maintain a centralized numbering and tracking system for all misconduct complaints.	¶ 125	Within two years of the Effective Date (March 30, 2018)	Initial Development	See Fifth Quarterly Report, Section III(C)(4).
Misconduct Complaint Investigation (¶¶ 126-136)				
NPD will review and revise its policies for releasing complaints and misconduct allegations to incorporate the requirements set out in ¶¶ 126-136.	¶¶ 126-136	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	

Internal Affairs: Complaint Intake and Investigation Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of protocol	Non-Compliance	
Parallel Administrative and Criminal Investigations of Officer Misconduct (¶¶ 137-140)				
If after a reasonable preliminary inquiry into an allegation of misconduct, or at any other time during the course of an administrative investigation, the OPS has cause to believe that an officer or employee might have engaged in criminal conduct, the OPS will refer the matter to the ECPO, DOJ, or other law enforcement agency as appropriate.	¶ 137	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
Notwithstanding the referral and unless otherwise directed by the prosecutive agency, NPD will proceed with its administrative investigations. Under no circumstances will OPS compel a statement from the subject officer without first consulting with the Chief or Director and with the prosecuting agency.	¶ 138	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will not automatically end its administrative investigation in matters in which the prosecuting agency declines to prosecute or dismisses after initiation of criminal charges. Instead, NPD will require investigators to conduct a complete investigation and assessment of all relevant evidence.	¶ 139	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will work with DOJ, the ECPO, and the New Jersey Attorney General's Office as appropriate to improve its processes for investigations of use of force incidents and referrals of complaints of police misconduct for criminal investigation.	¶ 139	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.

Internal Affairs: Complaint Intake and Investigation Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
Review and Analysis of Investigations (§§ 141-143)				
NPD will train OPS supervisors to ensure that investigations are thorough and complete, and that investigators' conclusions and recommendations that are not adequately supported by the evidence will not be approved or accepted.	¶ 141	Within 60 days after approval of policy	Non-Compliance	
NPD will develop and implement a protocol for regular supervisory review and assessment of the types of complaints being alleged or sustained to identify potential problematic patterns and trends.	§§ 142-143	Within two years of the Effective Date (March 30, 2018)	Non-Compliance	
Staffing and Training Requirements (§§ 144-149)				
Within 30 days of the Operational Date, NPD will review staffing of OPS and ensure that misconduct investigators and commanders possess appropriate investigative skills, a reputation for integrity, the ability to write clear reports with recommendations supported by the evidence, and the ability to assess fairly and objectively whether an officer has committed misconduct.	§§ 144, 145	Within 30 days of the Operational Date (August 11, 2016)	Operational Compliance (achieved after deadline)	See Second Quarterly Report.
NPD will use a case management system to track and maintain appropriate caseloads for OPS investigators and promote the timely completion of investigations by OPS.	¶ 146	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will require and provide appropriate training for OPS investigators upon their assignment to OPS, with refresher training at periodic intervals. At a minimum, NPD will provide 40 hours of initial training and eight hours additional in-service training on an annual basis.	§§ 147, 148	Within 60 days after approval of protocol and annually thereafter	Non-Compliance	

Internal Affairs: Complaint Intake and Investigation Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD will improve OPS' complaint tracking and assessment practices in accordance with ¶ 149.	¶ 149	Within two years of the Effective Date (March 30, 2018)	Non-Compliance	See Eighth Quarterly Report, Section II(C).

X. Compliance Reviews and Integrity Audits

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
<p>NPD will conduct integrity audits and compliance reviews to identify and investigate all officers who have engaged in misconduct including unlawful stops, searches, seizures, excessive uses of force; theft of property or other potential criminal behavior; racial or ethnic profiling and bias against lesbian, gay bisexual and transgender persons.</p> <p>The integrity audits will also seek to identify officers who discourage the filing of complaints, fail to report misconduct or complaints, or otherwise undermine NPD's integrity and accountability systems.</p>	¶¶ 150, 151	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	NPD has begun to conduct some integrity audits (e.g., body-worn cameras, and stops). See Seventh Quarterly Report, Section II(D)(2).

XI. Discipline

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD will adopt policies that are consistent and fair in their application of officer discipline, including establishing a formal, written, presumptive range of discipline for each type of violation.	Section XIII	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of guidance	Non-Compliance	See Ninth Quarterly Report, Appendix C.
NPD will apply discipline for sustained allegations of misconduct based on the nature and severity of the policy violation and defined mitigating and aggravating factors, rather than the officer's identity, rank or assignment; relationship with other individuals; or reputation in the broader community.	¶ 152	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will implement disciplinary guidance for its personnel that addresses the topics addressed in ¶ 153 of the Consent Decree.	¶ 153	Within 90 days of the Operational Date (October 10, 2016)	Non-Compliance	
NPD will establish a unified system for reviewing sustained findings and applying the appropriate level of discipline pursuant to NPD's disciplinary guidance.	¶ 154	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will conduct annual reviews of its disciplinary process and actions.	¶ 155	Annually	Non-Compliance	

XII. Data Systems Improvement

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
Early Warning System (¶¶ 156-161)				
NPD will enhance its Early Warning System (“EWS”) to support the effective supervision and management of NPD officers.	¶ 156	Within one year of the Effective Date (March 30, 2017)	Non-Compliance	See Ninth Quarterly Report, Section II(A).
City will provide sufficient funding to NPD to enhance its EWS.	¶ 156	Within one year of the Effective Date (March 30, 2017)	Non-Compliance	See Ninth Quarterly Report, Section II(A).
NPD will develop and implement a data protocol describing information to be recorded and maintained in the EWS.	¶ 157	Within two years of the Effective Date (March 30, 2018)	Non-Compliance	See Ninth Quarterly Report, Section II(A).
NPD will revise its use of EWS as an effective supervisory tool. To that end, the EWS will use comparative data and peer group analysis to identify patterns of activity by officers and groups of officers for supervisory review and intervention.	¶ 158-160	Within two years of the Effective Date (March 30, 2018)	Non-Compliance	See Ninth Quarterly Report, Section II(A).
NPD will continue to use its current IAPro software's alert and warning features to identify officers for intervention while further developing and implementing an EWS that is fully consistent with this Agreement.	¶ 161	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
Records Management System (“RMS”) (¶¶ 162-163)				
NPD will revise its use and analysis of its RMS to make efficient and effective use of the data in the System and improve its ability to interface with other technology systems.	¶ 162	Within two years of the Effective Date (March 30, 2018)	Non-Compliance	See Ninth Quarterly Report, Section II(A).

Data Systems Improvement Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
City will provide sufficient funding and personnel to NPD so NPD can revise its use and analysis of its Record Management System.	¶ 163	N/A	Non-Compliance	See Ninth Quarterly Report, Section II(A).

XIII. Transparency and Oversight

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD will make its policies publicly available, and will regularly report information regarding officer use of force; misconduct complaints; and stop/search/arrest data.	¶ 164	Ongoing	Not Assessed	
NPD will work with the civilian oversight entity to overcome impediments to the release of information consistent with law and public safety considerations.	¶ 165	N/A	Not Assessed	
On at least an annual basis, NPD will issue reports, summarizing and analyzing the stop, search, arrest and use of force data collected, the analysis of that data, and the steps taken to correct problems and build on successes.	¶¶ 85, 168	Annually	Non-Compliance	

XIV. Consent Decree Implementation and Enforcement

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
Consent Decree Implementation Unit				
The City and NPD will form an interdisciplinary unit to facilitate the implementation of the Consent Decree.	¶ 196	Within 180 days after the Effective Date (September 26, 2016)	Operational Compliance	
The City implementation unit will file a status report with the Court, delineating the items set forth in the Consent Decree.	¶ 197	Within 180 days after the Effective Date (September 26, 2016) and every six months thereafter	Operational Compliance	

Appendix C

STATUS OF NPD'S CONSENT DECREE TRAINING**Twelfth Quarterly Report – October 1, 2019 – December 31, 2019**

The following chart notes the status of Consent Decree-related training.

Training	Status
Community-Oriented Policing	<p>Training was administered to all relevant NPD officers in 2018.¹</p> <p>NPD reports that it completed its second year of training on Community-Oriented Policing in 2019.</p> <p>The second-year training was not provided to the Monitoring Team before it was administered and the Monitoring team has not approved it.</p>
Body-Worn and In-Car Cameras	Training has been administered to all relevant NPD officers.
Use of Force	Training has been administered to all relevant NPD officers.
Stops, Searches, and Arrests	<p>Training has been administered to all relevant NPD officers.</p> <p>NPD is developing the second generation of training on Stops, Searches, and Arrests.²</p>
Bias-Free Policing ³	NPD began administering its Fair and Impartial Policing Training in February 2020.
Internal Affairs	NPD developed a draft internal affairs investigations Procedural Manual in collaboration with DOJ's vendor.

¹ NPD administered Community-Oriented Policing training to its officers *prior* to completing its Community-Oriented Policing policy.

² Consent Decree Paragraph 43 requires NPD to “provide all officers with at least 16 hours of training on stops, searches, arrests and the requirements of this Agreement...and at least an additional 4 hours on an annual basis thereafter.”

³ NPD has not completed all of the training elements with respect to incorporating “scenario-based training that promotes the development and strengthening of partnerships between the police and community;” (§ 14(b)), as it relates to training on community policing and problem-oriented policing methods and skills. NPD intends to incorporate these elements into its Community Policing training.

Training	Status
	The Monitoring Team has provided the Parties with detailed comments to its draft Procedural Manual. The Monitoring Team is conducting a parallel review of NPD's internal affairs training curriculum while the Procedural Manual is revised by NPD.
Property and Evidence Management	NPD must develop a procedural manual and training reflecting Consent Decree-compliant practices.

Appendix D

STATUS OF NPD'S CONSENT DECREE POLICIES

The following chart notes the status of effective Consent Decree-related policies.

GO#	Subject	Consent Decree Provision	Date Adopted by NPD
GO 17-06	Bias-Free Policing	Paragraph 5	September 19, 2017 (<i>Effective</i> September 19, 2017)
GO 18-05	Body Worn Cameras	Paragraph 104	June 5, 2018 (<i>Effective</i> June 5, 2018)
GO 18-06	In-Car Cameras	Paragraph 104	June 5, 2018 (<i>Effective</i> June 5, 2018)
GO 18-20	Use of Force	Paragraphs 66-67	November 8, 2018 (<i>Effective</i> January 1, 2019)
GO 18-21	Use of Force Reporting, Investigation and Review	Paragraphs 66-67	November 8, 2018 (<i>Effective</i> January 1, 2019)
GO 18-22	Firearms and Other Weapons	Paragraphs 66-67	November 8, 2018 (<i>Effective</i> January 1, 2019)
GO 18-14	Consensual Citizen Contacts and Investigatory Stops ("Stops")	Paragraph 5; Section VI	December 31, 2018 (<i>Effective</i> January 10, 2019)
GO 18-15	Searches With or Without a Search Warrant ("Searches")	Paragraph 5; Section VI	December 31, 2018 (<i>Effective</i> January 10, 2019)
GO 18-16	Arrests With or Without an Arrest Warrant ("Arrests")	Paragraph 5; Section VI	December 31, 2018 (<i>Effective</i> January 10, 2019)

GO#	Subject	Consent Decree Provision	Date Adopted by NPD
GO 18-13	Community Policing ¹	Section V	April 4, 2019 (<i>Effective</i> April 4, 2019)
GO 18-24	Property and Evidence Division	Paragraph 110	April 3, 2019 (<i>Effective</i> April 3, 2019)
GO 18-23	Property and Evidence Management	Paragraph 110	April 12, 2019 (<i>Effective</i> April 12, 2019)
GO 19-03	LGBTQI Community & Police Interactions ²	N/A	April 3, 2019 (<i>Effective</i> April 3, 2019)
GO 18-12	First Amendment Right to Observe, Object to, and Record Police Activity ³	N/A	June 12, 2019 (<i>Effective</i> June 12, 2019)
GO 18-25	Internal Affairs: Complaint Intake & Investigation Process ⁴	Section XI	August 21, 2019 (<i>Effective</i> August 21, 2019)

¹ Attached as an addendum to NPD's Community Policing policy is a Department of Public Safety Memorandum regarding NPD's Neighborhood Policing Plans. Neighborhood Policing Plans are plans designed by Precinct Commanders. The Plans identify neighborhoods within a Precinct for Commanders to provide a more localized approach to problem-solving and crime reduction and involve collaboration between officers, residents, business-owners, faith-based organizations, school officials and other service organization to jointly identify and solve local problems.

² Although the Consent Decree requires NPD to "operate without bias based on any demographic category," *see* Consent Decree § VII, it does not require a standalone policy to address the LGBTQIA community. To help institutionalize its practices, NPD decided to draft a policy dedicated to its stop, search, and arrest of these community members.

³ The Consent Decree requires NPD to respect the public's First Amendment right and prohibits officers from taking certain actions to discourage the exercise of these rights. (Consent Decree ¶¶ 55-62.) It does not expressly require NPD to create standalone policy to this end, but NPD decided to write such a policy.

⁴ On June 19, 2019, NPD promulgated the Responsibilities of Command and Supervisory Personnel policy (GO 80-1). Because the Complaint Intake & Investigation Process policy required command level Supervisors to periodically review the disciplinary histories of subordinate officers, NPD revised this policy to reflect these changes.

GO#	Subject	Consent Decree Provision	Date Adopted by NPD
			Revised November 15, 2019 (<i>Effective</i> November 15, 2019)
GO 18-26	Internal Affairs: Disciplinary Process and Matrix ⁵	Section XIII	September 9, 2019 (<i>Effective</i> September 9, 2019)

⁵ After NPD implemented its Internal Affairs: Disciplinary Process and Matrix, the Superior Officers Association filed grievances with the Public Employment Relations Commission (“PERC”) challenging both General Order 18-26 and General Order 18-25, Internal Affairs: Complaint Intake & Investigation Process. Implementation of both policies has been delayed pending a final decision by the Commission.

Appendix E



Independent Monitoring Team's First Body
Worn Camera Audit:
Utilization Pursuant to NPD Policy

RUTGERS UNIVERSITY CENTER ON POLICING

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Purpose

In accordance with the Consent Decree entered into by the United States Department of Justice and the City of Newark ("Consent Decree"), the Independent Monitoring Team ("Monitoring Team") conducted its first audit of the Newark Police Division (NPD)'s utilization of Body Worn Cameras (BWC) to determine compliance with the Consent Decree, as well as NPD's newly written and enacted policies and procedures.¹ Paragraph 173 of the Consent Decree requires the Monitor to "conduct reviews or audits as necessary to determine whether the City of Newark ("City") and NPD have implemented and continue to comply with the requirements" of the Consent Decree. The Monitoring Team must assess whether both the City and NPD have "implemented the [BWC] requirement into practice." (See Consent Decree, Paragraph 173.)

The Monitoring Team conducted its first audit after 90 days had elapsed following NPD's training of the last group of officers required to be trained. This BWC audit was conducted according to generally accepted government auditing standards. These standards require that the Monitoring Team plan and perform the audit to obtain evidence sufficient to provide a reasonable basis for the audit's findings and conclusions. The Monitoring Team believes that the evidence obtained meets these standards.

Background

BWCs capture digital video and audio recordings of various interactions between officers and the public, including investigative and enforcement activities involving members of the public. This is the Monitoring Team's first audit of NPD's BWC program since NPD reported that citywide BWC deployment was completed. NPD has communicated that all officers have been trained on the *BWC Policy, General Order 18-05*, and are required to utilize BWCs accordingly.²

Scope and Methodology

This BWC audit report covers the audit period of May 1, 2019 through June 30, 2019. Pursuant to Consent Decree Paragraph 180, 45 days prior to the start of the audit, the Monitoring Team sent NPD a letter requesting the data required to conduct the audit and submitting the Monitoring Team's proposed methodology. The audit covered BWC use citywide, including all seven precincts, the Emergency Services Unit (ESU), the Municipal Arrest Process Section (MAPS), and specialized units. According to NPD, all officers were trained on the proper use of BWCs (with the exception of those out on long-term leave) and the technology was operational for at least six months in each precinct prior to the start of the audit period.

Two weeks prior to the start of the audit, the NPD provided the Monitoring Team with a list of all event numbers associated with all call types that would have necessitated BWC activation during the review period. The list totaled 50,829 event numbers. One week after receiving this information, the

¹ NPD adopted its body-worn camera policy on June 5, 2018. NPD completed its training of required patrol officers on January 29, 2019.

² See Appendix A, NPD General Order 18-05.

Monitoring Team selected and shared with NPD a random sample of cases from this list. Out of a total population of 50,829 event numbers, the Monitoring Team randomly selected 195 event numbers for review.

There were 322 total videos associated with the 195 event numbers reviewed by the Monitoring Team because many of the randomly selected event numbers resulted in more than one officer on scene who recorded the event. Thus, there was more than one video recording for an event. NPD made all 322 body-worn camera videos available to the Monitoring Team for review as part of this audit.

The Monitoring Team established four objectives to evaluate compliance with the requirements of the Consent Decree and NPD's policies and procedures: (1) timely activation; (2) notification of the subject that they are being recorded; (3) appropriate deactivation; and (4) proper categorization.

The Monitoring Team has established that NPD must achieve a 95% compliance rate to be deemed in substantial compliance with Consent Decree requirements.³

Summary of Findings

A total of 322 videos were requested for this audit. Of the 322 requested videos, 52 of the videos were ultimately removed from the audit sample, as there were legitimate reasons that the events associated with those videos did not result in actual video recordings. For example, in several instances, NPD officers were not dispatched to the call (*e.g.*, when the call was for medical assistance only and did not require a police response). In other instances, the officer responding to the event was assigned to a plainclothes unit, which are not issued BWCs, pursuant to NPD *General Order 18-05*. Removing the 52 videos that did not require recording from the audit sample resulted in a final audit sample of 270 videos for review.

Of the 270 videos in the audit sample, 9 videos could not be located by the Monitoring Team or NPD. Moreover, NPD could not provide the Monitoring Team with an explanation as to why no recording exists. As a result, for purposes of this audit, the Monitoring Team concluded that officers failed to record those 9 videos.

The Monitoring Team reviewed the remaining 261 videos, which serve as the sufficient, appropriate evidence to provide a reasonable basis for the findings and conclusions of this audit based on the audit objectives.

The following table provides a summary of the findings for each of the four objectives.

³ See Appendix B, Audit Methodology submitted to the Parties as Exhibit C to the Monitor's Correspondence, dated May 24, 2019, re "Body-Worn Camera Audit: 45-Day Notice."

Table 1: Summary of Audit Findings by Objective

Objective No.	Objective Description	Number of Videos Reviewed	Number of Videos Meeting Standard	Percent Meeting Standard
1	Activation: Was the BWC activated according to policy?	270	245	90.74%
2	Notification: Was the subject notified that the camera is recording at the earliest opportunity that is safe and feasible?	195	152	77.95%
3	Deactivation: Was the BWC deactivated according to policy?	261	252	96.55%
4	Categorization: Is the video categorized properly?	261	248	95.02%

Detailed Findings

Objective No. 1 - Activation: Was the BWC activated according to policy?

Criteria

NPD's BWC policy (*General Order (GO) 18-05*) requires officers to activate their BWC according to the BWC policy.

NPD's *GO 18-05, Section IX.B* states that:

"Members shall activate the BWC to record police-related interactions with citizens in the performance of their duties. Activation is required immediately upon receiving a dispatched assignment or the initiation of a police action."

Audit Procedure

As 9 of the 270 videos requested could not be located, and it is presumed that officers failed to record those 9 events, the Monitoring Team reviewed each of the 261 available videos to determine if the BWC was activated according to policy.

Findings

Of the 270 videos where activation was required, 245 (90.74%) showed that the BWC were activated according to policy.

NPD is **not in compliance** in this area. NPD is, however, close to the required 95% compliance rate, and the Monitoring Team urges NPD to implement the recommendations listed later in this report to help NPD achieve substantial compliance prior to the Monitoring Team's next audit of BWCs.

Videos Not in Compliance for Objective No. 1 - Activation

The following videos were not in compliance. The videos are listed here so that NPD may review the videos to better understand the circumstances surrounding untimely activations, and develop the appropriate remedial actions to ensure timely activations going forward. Where an event number is followed by a hyphen and a number, (e.g., "-2") that is to indicate that the second (or, later in this report, the third, fifth or sixth) officer on scene failed to activate in a timely manner.

- 1) P19276275
- 2) P19190169
- 3) P19190169-2
- 4) P19267992
- 5) P19274312
- 6) P19233459
- 7) P19235530-2
- 8) P19236467-2
- 9) P19249423
- 10) P19207214
- 11) P19213691
- 12) P19281020
- 13) P19250752
- 14) P19240130
- 15) P19240130-2
- 16) P19260326
- 17) P19223956-2
- 18) P19281250
- 19) P19234801
- 20) P19231435
- 21) P19223391
- 22) P19244660
- 23) P19239810
- 24) P19195540
- 25) P19242850

Objective No. 2 - Notification: Was the subject notified that the camera is recording at the earliest opportunity that is safe and feasible?

Criteria

NPD requires its officers to notify members of the public that the BWC is recording.

NPD's *GO 18-05, Section IX.A*, states:

Notice of Activation

1. When activation of a BWC is required, members shall notify the subject that the camera is recording at the earliest opportunity that is safe and feasible.
2. If it is not safe and/or feasible to notify the subject, the officer shall document the reason in their report or by narrating the reason on the BWC recording.
3. If a civilian inquires if an officer is equipped with a BWC or inquires if the device is activated, the member shall answer truthfully unless the Public Safety Director or the Chief of Police has expressly authorized a covert recording.

Audit Procedure

Members of the Monitoring Team reviewed each of the 261 videos to determine if members of the public were notified that the BWC was recording according to policy.

Findings

Of the 261 videos reviewed for notification, 66 of the videos did not require officers to notify a member of the public that the BWC was recording as there was no contact made with the public in those 66 events.

In the 195 videos where officers were required to notify the public that the BWC was recording, 152 (77.95%) of the officers either notified the subject or were prevented from doing so for officer safety reasons (*see GO 18-05, Section IX.A.2.*).

In the videos where notification was not made, as required by policy, it appears that these instances often involved an officer or supervisor arriving on scene many minutes after the initiation of the event (e.g., a supervisor being called to a scene 45 minutes into an event). It may be that supervisors assumed that appropriate notifications had already been made earlier in an event. As such, NPD will likely improve its compliance rate for notifications by instructing supervisors to make the notification upon arriving on scene.

NPD is **not in compliance** in this area.

Videos Not in Compliance for Objective No. 2 - Notification

The following videos were not in compliance. The videos are listed here so that NPD may review the videos to better understand the circumstances surrounding a failure to notify, and develop the appropriate remedial actions to ensure the appropriate notifications are made going forward. Where an event number is followed by a hyphen and a number, (e.g., "-2", "-3", etc.), that is to indicate that the second or third officer on scene failed to make a required notification.

- 1) P19225586-2
- 2) P19190169
- 3) P19190169-2
- 4) P19261712
- 5) P19261712-3
- 6) P19261712-4
- 7) P19228359
- 8) P19204294
- 9) P19204294-2
- 10) P19240944
- 11) P19240944-2
- 12) P19253360
- 13) P19253360-2
- 14) P19238286-2
- 15) P19263543
- 16) P19263543-2
- 17) P19268854-3
- 18) P19194706
- 19) P19263527
- 20) P19263527-2
- 21) P19227161
- 22) P19250339-3
- 23) P19250339-4
- 24) P19261314
- 25) P19208052
- 26) P19256703
- 27) P19256703-2
- 28) P19287753
- 29) P19256380
- 30) P19219748
- 31) P19219748-2
- 32) P19224761
- 33) P19224761-2
- 34) P19240130
- 35) P19240130-2
- 36) P19245497-6
- 37) P19281250
- 38) P19258550-2

- 39) P19258550-5
- 40) P19265833
- 41) P19239810
- 42) P19241257
- 43) P19256380-2

Objective No. 3 - Deactivation: Was the BWC deactivated according to policy?

Criteria

NPD requires officers to deactivate their BWC according to the policy (*GO 18-05*).

NPD's *GO 18-05, Section IX.C, "Continuous Operation of a BWC, Once Initiated"* states that:

1. Except as stipulated in this policy, BWCs shall remain activated for the entire duration of each event/encounter, and shall not be deactivated until either the member(s) or all citizens have departed the scene.
2. When providing assistance or backup to another officer, all members responding to the scene are required to have their BWC activated until all citizens have departed or assistance is no longer required.

Audit Procedure

Members of the Monitoring Team reviewed each of the 261 videos to determine if the BWC was deactivated according to policy.

Findings

Of the 261 videos reviewed, 252 (96.55%) showed that the BWC was deactivated according to policy.

The Monitoring Team finds that NPD is **in compliance** in this area.

Videos Not in Compliance for Objective No. 3 - Deactivation

The following videos were not in compliance. The videos are listed here so that NPD may review the videos to better understand the circumstances surrounding inappropriate deactivations, and develop the appropriate remedial actions to ensure cameras are deactivated in accordance with policy going forward. Where an event number is followed by a hyphen and a number, (e.g., "-2", "-3", etc.) that is to indicate that the second or third officer on scene failed to activate in a timely manner.

- 1) P19235530-2
- 2) P19250339-3
- 3) P19240130-2
- 4) P19245497-2
- 5) P19245497-3
- 6) P19281250
- 7) P19234801
- 8) P19196918
- 9) P19208338

Objective No. 4- Video Categorization - Is the video categorized properly?

Criteria

NPD GO 18-05, Section X.A, sub-part 11 requires officers to:

11. Categorize each video with all proper classifications from the “drop down” selection:

- Vehicle Inspection/ Test (inspection of vehicle for damage at beginning of tour)
- Call for service (no arrest)
- Special Detail (protest, civil disturbance)
- Traffic Matter (use of emergency light; non-call for service or stop)
 - e.g., activating lights to move a vehicle along.
- Motor Vehicle Stop
- Motor Vehicle Accident
- Motor Vehicle Aid
- Pedestrian Stop
- Frisk or Search
- Arrest
- DB Investigation (follow-up investigation by a detective, statements, etc.)
- Critical Incident (homicide, serious bodily injury, suspicious death, serious use of force)
- Internal Affairs (**Office of Professional Standards use only**)

Audit Procedure

Members of the Monitoring Team reviewed the initial Computer Aided Dispatch “call type” for the event and the officer’s categorization for each video. The Monitoring Team then reviewed the video in question to ascertain whether the video was appropriately categorized.

Findings

Of the 261 videos reviewed, 248 (95.02%) were categorized appropriately.

The Monitoring Team finds that NPD is **in compliance** in this area.

Videos Not in Compliance for Objective No. 4 - Categorization

The following videos were not in compliance. The videos are listed here so that NPD may review the videos to better understand the circumstances surrounding incorrect or missing categorizations, and develop the appropriate remedial actions to ensure video is categorized appropriately going forward. Where an event number is followed by a hyphen and a number, (e.g., “-2”, “-3”, etc.) that is to indicate that the second or third officer on scene failed to activate in a timely manner.

- 1) P19235530
- 2) P19235530-2
- 3) P19235530-3
- 4) P19240944
- 5) P19274289
- 6) P19274289-2

- 7) P19240939-2
- 8) P19263543
- 9) P19263543-2
- 10) P19203591
- 11) P19203591-2
- 12) P19234801
- 13) P19241257

Other Related Matters

Critical to the reform of an agency is not only compliance with the provisions of a Consent Decree, but also how an agency responds when an issue is identified. As a result of this audit, the Monitoring Team identified two instances for which NPD should be commended for its response:

1. Upon discussions with the Monitoring Team during the course of this audit, NPD took quick action to increase the camera pre-event buffer. A pre-event buffer is a function of BWCs that enables video footage to be captured, for a set period of time, immediately prior to an officer activating the camera. This function provides for the video capture of events leading up to an officer's decision to record an incident. NPD increased the pre-event buffer duration from 30 seconds, to two minutes (the maximum amount of time allowed by the system). This increase will help to ensure that in instances where an officer is delayed in activating the camera, critical police-community interactions will still be recorded.⁴
2. Upon reviewing instances where no video could be identified, NPD took corrective action. As part of this audit, the Monitoring Team provided NPD with a list of videos that could not be located. NPD immediately conducted a review and determined that in 9 instances, no video was in fact recorded. For each instance, NPD first conducted a review, checking the officer's log for the day of the event and inspecting the officer's camera, to ensure no video/data remained on the camera that pertained to the even in questions. In instances where it was clear that the officer failed to activate the camera according to policy, NPD took corrective action by issuing each officer a written warning notice, which includes a warning that a subsequent BWC policy violation will result in the next level of discipline. The officer's chain-of-command was also notified and the warning notices were sent for review through the chain-of-command via BlueTeam/IA Pro, and ultimately to the Office of Professional Standards (OPS) where an Investigation of Personnel (IOP) number was assigned.

One other item of note pertains to the labeling/naming of video. Currently, officers must manually label a video with the CAD event number. It is this event number that is later used to retrieve video for review, submission of evidence, audits and investigations. This manual process is error prone, as officers can easily mistype a number, transpose numbers, etc. The Monitoring Team found this mistyping to be the case for a number of videos reviewed under this audit. NPD indicated that it has been working with

⁴ See Appendix C, NPD Memorandum, dated August 9, 2019.

its BWC vendor for the past several months to integrate the CAD and BWC systems in a manner that will allow for a video to be automatically labeled with the correct event number.

Recommendations

As a result of this audit, the Monitoring Team recommends NPD implement the following:

1. Issue a Memorandum to all sworn employees that reminds them:
 - a. When to activate and how to properly document the reason an officer fails to do so; and
 - b. How to properly notify a subject that they are being recorded. This should include an instruction for supervisors to make the notification, even if they arrive on scene well after the initiation of an event.
2. Create a brief Roll Call refresher BWC policy training to discuss when to activate a BWC, how to properly document the reason an officer fails to activate according to policy, and how to properly notify a subject that they are being recorded.
3. Complete the integration between the CAD and BWC systems to allow for a video to be automatically labeled with the correct event number.

Appendix A



DEPARTMENT OF PUBLIC SAFETY MEMORANDUM



TO: POLICE DIVISION

DATE: June 05, 2018

FROM: ANTHONY F. AMBROSE
PUBLIC SAFETY DIRECTOR

NUMBER: 18-321
TICKLER: 18-446

SUBJECT: BODY WORN CAMERAS
RE: GENERAL ORDER 18-05

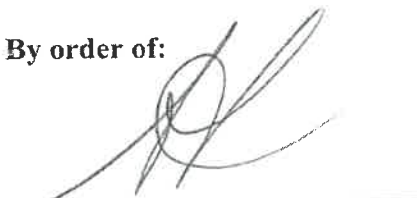
FILE REF: PUB 4
x PTL 1

General Order 18-05, Body-Worn Cameras, has been created to serve as the Newark Police Division's policy governing the use of body-worn cameras (BWC). This order establishes a uniform procedure for activation, deactivation, tagging and management of video.

Prior to use, members will receive an eight-hour training course. The training course will consist of a classroom session covering policy and hands-on training for the use of the BWC.

All commanders shall sign a copy of this directive. The signed copy shall be forwarded to the Office of the Public Safety Director no later than June 22, 2018.

By order of:



Anthony F. Ambrose
Public Safety Director

AFA/BO:dd

Rank	Name	ID#	Command	Date
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NEWARK POLICE DIVISION GENERAL ORDER



SUBJECT: Body-Worn Cameras		GENERAL ORDER NO. 18-05
SUPERSEDES: New	DATED: April 13, 2018	SECTION CODE:

I. PURPOSE

This purpose of this policy is to maintain public trust, enhance safety, and provide members with instructions on when and how to use body-worn cameras (BWCs) in order to record their interactions with the public. This technology will allow the Newark Police Division (NPD) to produce effective material for training and additional evidence of an incident. Within this policy, there are guidelines for the use, management and storage of video recordings.

II. POLICY

The Newark Police Division will issue all officers, detectives, and sergeants a BWC. Uniformed members will be required to use the BWC during the performance of their duties. The Public Safety Director may authorize use of a BWC to members in plain clothes or assigned to a specialized unit.

NPD uniformed officers will record police-citizen contacts using BWCs in order to assist personnel in the performance of their duties, provide an unbiased recorded account of an incident, and hold officers along with members of the public accountable for their actions.

The NPD recognizes that recordings may not always illustrate the entire circumstance of police-citizen contact, nor do video recordings always capture the entire scenario. A BWC recording is only one piece of evidence, providing one perspective of the incident. This technology does not eliminate the requirement of officers, detectives and sergeants to provide written documentation of an incident.

Members shall activate and deactivate their BWC in accordance with Section IX, Procedure, of this policy. All images, video, metadata, and audio recordings captured or otherwise produced are the exclusive property of the NPD and subject to disclosure under the law.

III. DEFINITIONS

1. **Activate** – Turn on the recording mode/function of a BWC.
2. **Deactivate** – Turn off the recording mode/function of a BWC.



NEWARK POLICE DIVISION GENERAL ORDER



3. **Body-Worn Camera (BWC)** – Device worn by a law enforcement officer that makes an electronic audio and visual recording. The term does not include a mobile video recording device when mounted inside a police vehicle (i.e., dash cam). The term also does not include any other form of an electronic recording device worn by a law enforcement officer while acting in an undercover capacity, or electronic recording devices used to comply with the requirements of Rule 3:17 (electronic recording of station house custodial interrogations).
4. **Investigation of a Criminal Offense** – Any police activity pertaining to the investigation of an indictable crime, disorderly persons offense, or petty disorderly offense, including but not limited to responding to a report of a possible criminal offense; an investigative detention based on or leading to reasonable and articulable suspicion to believe that a criminal offense has been or is being committed; an arrest for a criminal offense; an interview of a potential witness to a criminal offense; or canvassing an area for potential witnesses to a criminal offense.
5. **Law Enforcement Agency, Agency or Department** – A law enforcement body operating under the authority of the laws of New Jersey.
6. **Law Enforcement Officer or Officer** – A sworn member employed by a Law Enforcement Agency.
7. **Tagging Video** - A notation or indicator placed on specific video that may raise special privacy or safety issues.

IV. NOTIFICATION TO THE PUBLIC AND POLICY REVIEW

A written announcement regarding the implementation of the BWC program and which members will be mandated to use the BWC must be posted on the website, www.newarkpdonline.org. In addition to the written announcement, the following information must be available on the website:

- BWC policy
- A picture of the BWC along with a picture showing where the BWC will be positioned on the member's uniform.
- Electronic survey regarding the BWC policy for community feedback (temporarily).

The online BWC community survey and the "comment" section of the policy will allow residents to express their opinions, concerns or recommendations with the deployment and policy governing the use of BWCs.

The Consent Decree and Planning Unit shall review this policy quarterly during the pilot phase and on an annual basis after full deployment.



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V. AUTHORIZED USE

1. Only BWCs and storage servers that are issued and approved by the Division shall be used. All BWCs, related equipment, data, images, video, and metadata captured, recorded or otherwise produced are the sole property of the Newark Police Division.
2. No member shall wear or operate a BWC without receiving training on the proper care and use of the device.
3. Members working in an administrative, investigative, or plain clothes capacity shall not wear BWCs. Members assigned to uniformed patrol duty must use the BWC. The Public Safety Director, at his/her discretion, may direct members in plain clothes or assigned to a specialized unit to use a BWC.
4. Members shall only use the police division issued BWC.
5. Members assigned to a task force, team, or unit composed of officers from more than one law enforcement agency shall be authorized to use the BWC if the chief law enforcement officer overseeing the task force authorizes the use.
6. Members who are not issued a BWC may voluntarily request one by submitting an administrative report through the chain of command.

VI. TRAINING

1. Members shall receive training on this policy and complete the BWC training course before using the BWC. This will ensure the BWC is used in accordance with policy.
2. The commander of the Training Division is responsible for scheduling BWC training for all newly hired officers during their in-service training. In addition, a curriculum shall be established to provide initial and bi-annual "refresher" training.

VII. INSPECTION, MAINTENANCE and USE

1. BWC equipment is the responsibility of the assigned member and shall be used with reasonable care. An inspection of the BWC must be done at the commencement of each shift to ensure both video and audio recording capabilities are working. The inspection shall include, but not be limited to:
 - a. Ensuring the BWC is turned on;
 - b. Ensuring the battery is fully charged; and
 - c. Ensuring the lens is not obstructed in any manner.
2. The BWC must be affixed to the outermost garment in the middle of the torso. The magnet, clip and/or bracket must be used to secure the BWC in an upright, forward facing position in the center of the torso without any obstruction of view.
3. Malfunctioning BWCs shall be documented in an administrative report and the camera must be returned to the desk supervisor.
4. The desk supervisor is responsible for issuing a replacement camera to the member.



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5. The administrative report must indicate the issues, the BWC number and the replacement BWC number that was issued.
6. Reports shall be forwarded through the chain of command and sent to the Technology Division.
7. When a report is generated documenting criminal activity or a police action where the BWC captured video of the event, an indication must be typed at the end of the Incident Report, Field Interview Report, Continuation Report, Towed Vehicle Report, etc. The indication must state "BWC Recording".

VIII. REPLACEMENT CAMERAS

1. The Technology Unit is responsible for coordinating with the BWC vendor for replacement or repair.
2. Replacement cameras will be distributed to each command by the Technology Division.

IX. PROCEDURE

A. Notice of Activation

1. When activation of a BWC is required, members shall notify the subject that the camera is recording at the earliest opportunity that is safe and feasible.
2. If it is not safe and/or feasible to notify the subject, the officer shall document the reason in their report or by narrating the reason on the BWC recording.
3. If a civilian inquires if an officer is equipped with a BWC or inquires if the device is activated, the member shall answer truthfully unless the Public Safety Director or the Chief of Police has expressly authorized a covert recording.

B. Activation of BWC is Required

Members shall activate the BWC to record police-related interactions with citizens in the performance of their duties. Activation is required immediately upon receiving a dispatched assignment or the initiation of a police action. When activation is required upon entering any residence, members shall notify the subject(s) that the camera is recording at the earliest opportunity that is safe and feasible. The following circumstances require the BWC to be activated:

1. Motor vehicle stop, from the time the violation is observed until the stop is concluded, to include:
 - a. Car/truck inspection
 - b. Motor vehicle pursuit
 - c. Motor Vehicle Safety Checkpoint
 - d. Vehicle pursuit
2. Call for service (activate upon receipt of the assignment).
3. Aiding a motorist or a pedestrian (community caretaking check).



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4. Interviewing a witness or a victim in the course of investigating a criminal offense. Ensure the witness or victim is aware the BWC is activated.
5. Conducting a custodial interrogation of a suspect, unless the interrogation is otherwise
6. being recorded in accordance with N.J. Court Rule 3:17 (electronic recordation of station house interrogation). Making an arrest.
7. During a search (consensual or otherwise, including a protective frisk for weapons). The member must record the notification to the subject of the right to allow or refuse a consent to search.
8. Civil disorder, strike, picket line, demonstration or protest in circumstances where the member is engaged with or in the presence of civilians and the member or any other officer on the scene may be required to employ constructive authority or force.
9. Investigative detention/field interview (e.g., *Terry v. Ohio* criminal suspicion stop).
10. Pedestrian stop, which includes a stop that falls short of a *Terry* stop because the pedestrian is free to walk away, such as a "mere inquiry" (e.g. asking where someone is going).
11. Use of constructive authority or force, or reasonable belief that constructive authority may be used in an encounter or situation.
12. Transporting an arrestee to a police station, county jail, other place of confinement, hospital or other medical care/mental health facility. The BWC shall remain activated until the arrestee is secured in the holding cell, processing room or until the arrestee is with hospital/medical/mental health personnel. During a prisoner watch at the hospital, the BWC shall be reactivated when there is movement of the arrestee (e.g., moving to a different room, escort to the bathroom, etc.) or if the arrestee becomes verbally or physically aggressive.
13. When the member is involved in any police action/encounter where departmental policy requires a report and/or notation on a log sheet is required.
14. When responding to an active scene where knowing or reasonably believing that police deadly force has been or is being used, or to a scene where a member has requested emergency assistance (e.g., officer in distress, shots fired, etc.) While at the scene of a police deadly-force event or the on-scene investigation of that event the member shall not deactivate the BWC unless instructed to do so by the investigator that is investigating the deadly force incident.
15. In a school, healthcare facility or house of worship only when:
 - a. Investigating a criminal offense;
 - b. Responding to an emergency;
 - c. Reasonably believing constructive authority or force will be required.
 - d. Or as otherwise noted in section IX, B 12 of the policy (transporting arrestees).
16. In any situation where the member deems a recording to be necessary.

C. Continuous Operation of a BWC, Once Initiated.

1. Except as stipulated in this policy, BWCs shall remain activated for the entire duration of each event/encounter, and shall not be deactivated until either the member(s) or all citizens have departed the scene.
2. When providing assistance or backup to another officer, all members responding to the scene are required to have their BWC activated until all citizens have departed or assistance is no longer required.



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D. Tagging

To identify BWC recordings that may raise special, privacy or safety issues, members shall tag recordings by pressing the "1" button on the side of the BWC. This will place an indicator on the video when viewed/stored. An indication must be typed in the "Notes" field, during the classification of the video, listing the reason the video was tagged. Recordings containing any of the following shall be tagged:

1. Image of a victim of a criminal offense;
2. Image of a child;
3. Images in a residential premises (e.g., home, apartment, college dormitory room, hotel/motel room, etc.), a school or youth facility, healthcare facility or medical office, substance abuse or mental health treatment facility, or a place of worship.);
4. Conversation with a person whose request to deactivate the BWC was denied;
5. Non-investigatory Special operations event or execution of an arrest and/or search warrant where confidential tactical information may have been recorded;
6. Image of an undercover officer or confidential informant;
7. Screen of a law enforcement computer monitor that is displaying confidential personal or law enforcement sensitive information.

E. Activation of BWC is Prohibited

1. BWCs shall be used only in conjunction with official law enforcement duties. Activating a BWC is prohibited, unless a law enforcement action is required, during the following:
 - When on break (e.g. meal, using a restroom, etc.) or not actively performing law enforcement duties.
 - For a personal purpose or when engaged in police union business.
 - During any form of disciplinary proceedings (e.g. counseling, police trial, inspections, evaluations, etc.) or any similar supervisory interaction.
 - In any location where there is a reasonable expectation of privacy (e.g., restroom, locker room, break room, etc.), unless enforcement action is required.
 - Courtroom proceedings, unless associated with a call for service or incident.

F. Deactivation of BWC

If a member fails to activate the BWC when required, fails to record the entire event/contact, or interrupts the recording, the member shall document the reason in the applicable investigation and/or incident report. If an incident report is not required, that fact must be documented on an administrative report referencing the time, date, location and event number, if applicable.

In any instance where a BWC was deactivated, the device shall be reactivated as soon as it is safe and practical and when the circumstances justifying deactivation no longer exist.

1. Members may deactivate a BWC when a civilian conversing with the officer requests that the device be turned off under the circumstances where it reasonably appears that the person will not provide information or otherwise cooperate with the officer unless that request is respected.



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- a. Members shall not suggest to a person that the BWC should be deactivated or ask whether they would prefer the BWC be deactivated. The request for de-activation must be self-initiated by the civilian.
- b. In deciding whether to deactivate the BWC, the member shall consider the privacy and safety interests of the person requesting deactivation, whether the encounter is occurring in the person's residence, and the need for the information or assistance that the person will provide is important to the investigation, yet is not critical to require recording.
- c. If a civilian asks a member if they are equipped with a BWC or asks if the device is activated, the member shall answer truthfully unless the Public Safety Director has expressly authorized to make a covert recording.
2. When a member deactivates a BWC at the request of a civilian, the following procedures shall be followed:
 - Conversation requesting the deactivation shall be recorded.
 - Member shall narrate the circumstances of deactivation on the BWC prior to deactivating (e.g., "I am now turning off my BWC as per the victim's request").
 - Member shall report the circumstances concerning deactivation to their immediate supervisor.
 - Member shall document the circumstances of the deactivation in any investigation or report concerning the incident.
3. If a member declines a request to deactivate a BWC, the reasons for declining the request (e.g. officer believes that it may be necessary to use constructive authority during encounter) must be narrated on the recording and shall be reported to the officer's immediate supervisor as soon as it is safe and practicable to do so.
4. When declining a deactivation request, the member must immediately inform the person making the request of that decision. Members shall not mislead the person into believing that the BWC has been turned off unless a covert recording has been authorized by the Public Safety Director.
5. Members shall deactivate a BWC when participating in any discussion of a criminal investigation strategy or plan except in circumstances where the strategy/plan is discussed in the immediate presence of a civilian, or where that the member wearing the BWC is actively engaged in the collection of physical evidence. Before a BWC is deactivated, the member must narrate the circumstances of the deactivation.
6. Members must deactivate a BWC when a person, other than an arrestee, is seeking emergency medical services for him or herself or another and requests deactivation.
7. Members shall deactivate a BWC when specifically authorized to do so by an assistant prosecutor or their assistant or deputy attorney general. Prior to deactivation, the member shall narrate, on the BWC, the circumstances for deactivation indicating the name of the person who authorized the deactivation.
8. Members shall not use a BWC when in a school, healthcare facility, house of worship, or courtroom unless:
 - a. investigating a criminal offense;
 - b. responding to a call for service;
 - c. reasonably believing constructive authority or force will be required.



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In the event a BWC captures the image of a patient in a healthcare treatment facility, the member's immediate supervisor shall be notified and a notification to the BWC Administrator and the Public Safety Director shall be made to ensure compliance with all applicable federal laws and regulations that require the confidentiality of health care information, or that provide for the confidentiality of information for substance abuse treatment. The recording shall be tagged and a notation documenting the date, time, person notified and details of the notification shall be documented in the BWC record-keeping system. The recording shall not be accessed without the express approval of the Public Safety Director or designee. (Destruction of the recording is inappropriate until it is determined that exculpatory information was not captured.).

9. If the BWC radio-frequency interferes with an electronic alcohol breath testing device, the BWC shall be deactivated or removed from the area while the alcohol breath test device is being used. The member must narrate the reason for deactivation (e.g., "I am deactivating the BWC because the suspect is about to take a breath test."). The BWC must be reactivated once the test is complete.
10. Members shall deactivate when an arrestee is secured in the holding cell, processing room or in the care of the hospital/medical/mental healthcare personnel.
11. Members shall deactivate upon entering a police facility when transporting a victim or witness.
12. The BWC shall be deactivated when the member and all civilians have departed the scene.

X. RESPONSIBILITIES

A. Officer Responsibilities

1. Ensure the BWC issued during roll-call is the camera that was issued to you (refer to the serial number and division identification number).
 2. Ensure that the BWC is operational and in good working order.
 3. BWC must be positioned in the center of the torso, on the outermost garment.
 4. Pair the BWC to the vehicle (refer to the BWC Training Manual).
 5. Launch the Arbitrator Front-End Client and log-on. This will ensure all video recorded is associated with the officer.
 6. Pair the BWC of the second officer, if applicable (refer to BWC Training Manual).
- ****If an issue occurs with pairing or launching the Arbitrator Front-End Client,***
restart the mobile data computer. Repeat the steps.**
7. If the BWC does not pair to the emergency lights, the BWC must be activated independently from the in-car camera.
 8. During vehicle inspection, activate the BWC and record all sides of the vehicle. Ensure video is categorized properly (vehicle inspection/test). This video footage does not replace reporting requirements when damage to a city vehicle is observed.
 9. Activate, deactivate and tag video in accordance with this policy.
 10. Ensure an event number is entered for each video (dispatched assignment or stop).
 11. Categorize each video with all proper classifications from the "drop down" selection:
 - Vehicle Inspection/ Test (inspection of vehicle for damage at beginning of tour)



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- Call for service (no arrest)
 - Special Detail (protest, civil disturbance)
 - Traffic Matter (use of emergency light; non-call for service or stop)
 - e.g., activating lights to move a vehicle along.
 - Motor Vehicle Stop
 - Motor Vehicle Accident
 - Motor Vehicle Aid
 - Pedestrian Stop
 - Frisk or Search
 - Arrest
 - DB Investigation (follow-up investigation by a detective, statements, etc.)
 - Critical Incident (homicide, serious bodily injury, suspicious death, serious use of force)
 - Internal Affairs (**Office of Professional Standards use only**)
12. Ensure vehicles are parked within range of the wireless access point. This will allow in-car video to upload automatically.
 13. Ensure you are logged-off from the Arbitrator Front-End Client, within the vehicle, upon completion of the tour of duty. This will not allow another user to record video with your credentials.
 14. BWC must be docked in the charging station, in the "on" position, to upload video.
 15. BWC must be docked, in the "on" position, and left in the charging station at the end of the tour. This will ensure:
 - BWC has a fully charged battery for the commencement of the tour of duty.
 - All BWC video is uploaded to the server.
 - BWC receives the latest firmware update.
 - BWC is able to be serviced, if needed, in a timely fashion.
 16. Ensure all video is of official police business.
 17. If an issue occurs with the BWC, the member's immediate supervisor must be notified to attempt to resolve the issue.
 18. If the BWC requires service, notify the desk supervisor to email the Technology Division to have the camera repaired:
The email must:
 - Be addressed to mis2@ci.newark.nj.us, the member's commanding officer, executive officer and principal clerk.
 - Indicate the member name, identification number, command and BWC serial number.
 - Indicate the problem/ malfunction.
 - Indicate the replacement BWC issued to the member, if applicable.



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19. If a BWC is in need of repair and a replacement camera is not immediately available, the member must submit an administrative report indicating they are without a BWC until the camera is serviced/repaired.
20. Refer to your immediate supervisor for any questions or concerns.

B. Supervisor Responsibilities

1. Desk supervisor shall issue BWCs that are operational and in good working order to all trained on-duty personnel during roll-call.
2. Desk supervisors shall inspect personnel to ensure BWCs are positioned in the center of the torso, on the outermost garment.
3. Supervisors using a BWC shall activate, deactivate and tag video in accordance with this policy.
4. Field supervisors shall ensure members are all logged-on to the Arbitrator Front-End Client in the vehicle during field inspections and that the BWCs are positioned in the center of the torso on the outermost garment of all personnel.
5. Desk supervisors shall log-on to the Arbitrator Back-End Client, during their tour of duty from the precinct computer at the desk, to ensure officers/supervisors are properly logging-on to the Arbitrator Front-end Client and that video has:
 - An event number.
 - A proper classification from the "drop down" selection.
6. On a daily basis, the supervisors shall randomly select two videos of officers and/or the supervisor from their tour of duty, pertaining to Stops, Detentions and Searches. The supervisors shall review the Arbitrator Back-End Client "Main" page and view video to determine if the member complied with law and NPD policy. The "Main" page will provide a list of all uploaded video (body-worn and in-car video).
7. An email shall be sent to the commander, executive officer and principal clerk by the end of the tour of duty indicating:
 - The name of the member(s).
 - The date and period of time the audit of video was conducted.
 - List the videos, from the "Main" page selected (date, time, event#, etc.).
 - If the officer(s)/ supervisors are in compliance.
 - Actions taken to address any deficiency.
8. The desk supervisor shall ensure an email is sent to the Technology Division to have the camera repaired when notified of a malfunctioning BWC. The email must:
 - Be addressed to mis2@ci.newark.nj.us, the member's commanding officer, executive officer and principal clerk.
 - Indicate the member name, identification number, command and BWC serial number.
 - Describe the problem/ malfunction.
 - Identify the replacement BWC issued to the officer, if applicable.
9. During normal business hours, the commanding officer must make a follow-up telephone call to the Technology Unit.



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10. Supervisors shall review investigatory stops and detentions, searches, and arrests for completeness and adherence to law and NPD policy. Supervisors will:
 - Review all written documentation;
 - Review all relevant video recordings for all incidents in which the supervisor suspects, for any reason, that an officer's conduct may not have complied with law or NPD policy; and
 - On an ongoing basis, review a random selection of video recordings of stops and detentions, searches, and arrests amounting to at least 10 percent of all stops and detentions, searches and arrests.
11. For every search or arrest involving the recovery of contraband evidence, the desk lieutenant will review the circumstances of the encounter, including BWC video, to assess the adequacy of the seizure.
12. Desk and field supervisors shall ensure BWCs are docked and left in the charging station at the end of the tour of duty.
13. Upon reviewing reports and video for investigatory stops and detentions, searches and arrests, supervisors shall submit an administrative report for each event reviewed, by the end of their tour of duty, listing:
 - An event number for each video viewed when prompted in RMS (e.g., P18012345)
 - Name(s) of the officer(s) for each event reviewed.
 - Type of video reviewed (body camera video, in-car video, or both).
 - Reason for reviewing video (recovery of contraband, stop, search, detention, arrest, suspected non-compliance with policy or law)

C. Command Responsibilities

1. Commanders shall ensure all members sign for and receive a BWC and a BWC Training Manual.
 2. Commanders shall coordinate to have malfunctioning BWCs delivered to the Technology Division by the following business day.
- ***Notification of a malfunctioning BWC will be sent by the desk supervisor via email*****
3. Commanders shall ensure all personnel comply with the mandates of this policy.
 4. Commanders shall coordinate to schedule members for retraining based on the assessment of the desk supervisor.

D. Technology Unit

1. Distribute/ coordinate distribution of operational and properly functioning BWCs and related equipment to personnel.
2. Ensure each BWC is fully charged upon issuance.
3. Maintain a database of all equipment and to whom the equipment is assigned.
4. Provide all personnel a user name and password for the Arbitrator software.
5. Install a configuration file for each BWC.



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6. Setup and maintain the BWC Active Directory to ensure user privileges are granted for each member.
7. Ensure newly hired, promoted or separated personnel are added, deleted or adjusted accordingly within the active directory.
8. Assess malfunctioning BWCs and/or related equipment prior to being sent for repair/replacement.
9. Retrain members in the use of the BWC, in-car camera and Arbitrator software. Coordinate with each command to schedule multiple personnel for training at one time.
10. Ensure a signature roster is generated and signed by each member for every training session. Signature rosters must be forwarded to the Training Division.
11. Conduct a weekly inspection of the Arbitrator Back-End Client to determine if BWC video is uploading properly and correct any deficiencies observed/ coordinate with the vendor.

E. BWC/ In-Car Video Training (Applicable to all personnel)

1. All members are responsible for bringing the following to training:
 - Fully charged BWC and mount.
 - Body-Worn Camera Training Manual.

F. Office of Professional Standards

1. Investigators shall review BWC and in-car camera video when an Investigation of Personnel complaint is received.
2. Investigators shall ensure videos, if available, are reclassified to "Internal Affairs" within the Arbitrator Back-End Client. This classification is within the "drop down" selection.
3. The commander of the Office of Professional Standards shall ensure Integrity Control Officers are reviewing video, as delineated within this policy.
4. Include the number of complaints that have body-worn and in-car camera video in the monthly report. In addition, include the following:
 - Number of complaints that were unfounded/exonerated because of video.
 - Number of complaints that were justified because of video.

G. Integrity Control Officers and Compliance Unit

1. Review twelve BWC/ in-car videos, four per tour, on a monthly basis.
2. When reviewing video, ensure members are:
 - Activating, deactivating and tagging video in accordance with policy.
 - Logging-in to the Arbitrator Front-End Client.
 - Assigning an event number to all videos.
 - Classifying video from the "drop down" selection.
3. Include a recommendation to correct any deficiency in the audit report.



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4. Ensure the outcome of the audit/review of video is included in the monthly report.

H. Training Division

1. Ensure all BWC training signature rosters are maintained at the division.

I. Advocate Unit

1. Video must be provided to the collective bargaining entity, for each case, prior to the date of the hearing.

XI. DATA UPLOAD and FIRMWARE UPDATES

1. Members using a BWC shall upload data by docking the device in the docking station at any command. The BWC shall be placed in the docking station, which will automatically upload data and charge the battery. All video shall be uploaded by the end of shift.
2. BWC firmware updates are distributed through the server. In order to receive the latest update, the BWC must be placed in the docking station. When the indicator on the BWC continuously flashes at the same time, an update is taking place.

XII. RETENTION OF BWC RECORDINGS

The retention period for BWC recordings shall not be less than 90 days. The Technology Unit is responsible for coordinating with the BWC vendor to establish a retention and disposition schedule, in accordance with requirements set forth by the State of New Jersey. The following shall be subject to the following additional retention periods:

- When a BWC recording pertains to a criminal investigation or otherwise records information that may be subject to discovery in a prosecution, the recording shall be treated as evidence and shall be kept in accordance with the retention period for evidence in a criminal prosecution.
- When a BWC records an arrest that did not result in an ongoing prosecution, or records the use of police force, the recording shall be kept until the expiration of the statute of limitations for filing a civil complaint against the officer and/or agency. If a civil action relating to the incident depicted on the recording is filed the recording shall be maintained until the conclusion of the civil action. NPD personnel responsible for the disposal of video images shall contact the office of the Newark Corporation Counsel for guidance regarding the destruction of the video images.



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- When a BWC records an incident that is the subject of an internal affairs complaint, the recording shall be kept pending final resolution of the internal affairs investigation and any resulting administrative action.
- When a civilian who is the subject of the video makes a written request that footage be retained, the recording shall be kept until the expiration of the statute of limitations for filing a civil complaint against the officer and/or agency.

The following is list of video categories and their retention period:

- Vehicle Inspection/ Test – 90 days
- Call for service (no arrest) - 90 days
- Special Detail – 90 days
- Traffic Matter – 90 days
- Motor Vehicle Stop – 3 years
- Motor Vehicle Accident – 3 years
- Motor Vehicle Aid - 3 years
- Pedestrian Stop - 3 years
- Frisk or Search – 3 years
- Arrest - 7 years
- DB Investigation – 7 years
- Critical Incident (homicide, serious bodily injury, suspicious death, serious use of force) - Indefinite
- Internal Affairs - Indefinite

XIII. ACCESS TO, DISSEMINATION OF BWC RECORDINGS AND RELATED RESTRICTIONS

Viewing of BWC events is strictly limited to authorized employees of this Division. Viewing by any other person is prohibited unless authorized by the Public Safety Director. No law enforcement officer or civilian employee of this Division shall access, view, copy, disseminate or otherwise use a BWC recording except for an official purpose. Access to and use of a BWC recording is permitted only in the following situations:

1. When relevant to and in furtherance of a criminal investigation or prosecution.
2. When relevant to and in furtherance of an internal affairs investigation which shall include an investigation of any use of force.
3. When relevant to and in furtherance of a management review process to identify circumstances indicating possible police misconduct or to determine the existence of a pattern of possible misconduct.
4. To assist the member whose BWC made a recording to prepare his or her own police report, except as delineated in number 16 of this section.



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5. When relevant to a supervisor's review of a member's actions as part of the supervisory responsibility authorized by the division.
6. To show a civilian who intends to file a complaint against a member to demonstrate what actually occurred during the encounter so that the person can make an informed decision whether to file the complaint.
7. To comply with the state's discovery obligations in criminal prosecutions pursuant to the Rules of Court;
 - a. Such request must be specific and on the proper instrument (e.g., subpoena, discovery request etc.)
 - b. Only those portions pertinent to the request shall be forwarded.
 - c. The NPD reserves the right to redact video as applicable by law (minor, victim, witness etc.)
 - d. All request for copies or review of BWC recordings are subject to fee.
8. To comply with any other legal obligation to turn over the recording to a person or entity.
9. To show or disseminate the recording to a civilian or a non-law enforcement entity, or to disseminate to the public, when approved by the Public Safety Director, to determine that the disclosure to that particular person/entity or the public is warranted because the person's/entity's/public's need or access outweighs the law enforcement interest in maintaining confidentiality.
10. For training purposes provided that the recording is redacted so that the identity of the individuals depicted in the recording cannot be determined by any person viewing the training video unless the depicted individuals have consented to the recording being used for training purposes.
11. To conduct an audit to ensure compliance with this policy.
12. To enhance officer and public safety by providing intelligence information in preparation for a raid/warrant execution, when such use is approved by the Public Safety Director.
13. Any other specified official purpose where the Public Safety Director, finds in writing that good and sufficient cause exists to authorize access to a particular BWC recording.
14. Within one business day of receiving requests for BWC video, the Legal Affairs Unit, in conjunction with the Office of the City Clerk, shall be responsible for providing notice to the Essex County Prosecutor's Office representative assigned to O.P.R.A. requests in the following manner:
 - Subpoena
 - Court Order
 - Open Public Records Act
 - Common Law Right to Know

A database record of all requests for BWC video shall be maintained by Legal Affairs.

15. The Legal Affairs Unit is responsible for video redaction.
16. When a police related use-of-force incident investigated by the County Prosecutor's Office or any other agency with equivalent or a greater authority, department members and civilians shall not have access to any BWC recording until authorized by that lead investigative agency.
17. A BWC recording of an event or encounter that involves an investigation of a criminal offense shall not be shared with or provided or shown to any person, entity, or government agency, other than a law enforcement agency, officer or authorized civilian employee of such agency, unless



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such disclosure is expressly approved by the Public Safety Director.

18. A BWC recording tagged pursuant to Section IX, Subsection D, of this policy shall not be accessed, viewed, copied, disseminated, or otherwise used without the express permission of the Public Safety Director, in accordance with the Attorney General directive.

XIV. DATA CONTROL AND MANAGEMENT

Members shall not erase or in any other manner alter, tamper with, destroy, or conceal BWC recordings, and shall not alter, remove, obstruct or disable any camera. Any such tampering is a violation of NJSA 2C:28-7, and is a 4th degree crime. In addition, members may also be subject to internal discipline.

1. Data uploaded from BWCs will be stored on storage servers located at 480 Clinton Avenue, or any other secure storage location ordered by the Public Safety Director. Accessing, copying, releasing, tampering with, destroying video and transmitting files for non-law enforcement purposes is strictly prohibited.
2. Events captured on BWCs shall not be released to other law enforcement entities other than the Essex County Prosecutor's Office, the New Jersey Division of Criminal Justice or U.S. Department of Justice without the express permission of the Public Safety Director.
3. The commander of the Technology Division shall manage the integrity and storage of all BWC recordings. The commander shall prevent unauthorized access to all BWC recordings and must establish and maintain rules within the system to document the following information:
 - a. Date and time of access;
 - b. Specific BWC recordings that were accessed;
 - c. Member who accessed the stored BWC recording;
 - d. Person who approved access, where applicable;
 - e. Reason(s) for access, specifying the purpose or purposes for access and the relevant case/investigation number, where applicable;
 - f. Groups of NPD members with specific user privileges.
 - g. A BWC recording that has been "tagged" for special privacy or safety issues, Section IX, Subsection D, shall not be accessed, viewed, copied, disseminated or otherwise used without first obtaining the permission of the Public Safety Director or County Prosecutor.



NEWARK POLICE DIVISION GENERAL ORDER



XV. REFERENCES

1. Bureau Justice of Assistance National Body Worn Camera Tool Kit.
2. U.S. Department of Justice C.O.P.S./ Police Executive Research Forum "Implementing a Body-Worn Camera Program, Recommendations and Lessons Learned" report.

BY ORDER OF:

A handwritten signature in black ink, appearing to be "A. Ambrose", written over a horizontal line.

ANTHONY F. AMBROSE
PUBLIC SAFETY DIRECTOR

AA/BO:dd

Appendix B

Patterson Belknap Webb & Tyler LLP

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May 24, 2019

Peter C. Harvey
Partner
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VIA EMAIL

Kenyatta Stewart, Esq.
Acting Corporation Counsel
Avion Benjamin, Esq.
First Assistant Corporation Counsel
City of Newark, Department of Law
Room 316, City Hall
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Anthony F. Ambrose
Public Safety Director
Department of Public Safety
480 Clinton Avenue
Newark, NJ 07108
(973) 733-6007

Re: Body-Worn Camera Audit: 45-Day Notice

Dear Mr. Stewart and Director Ambrose:

Pursuant to Consent Decree Paragraph 180, I write to provide notice that the Monitoring Team will conduct an audit of NPD's use of Body-Worn Cameras ("BWC") to assess whether NPD is in Compliance with Section IX of the Consent Decree.¹

Section IX of the Consent Decree requires, among other things, that "NPD will develop, implement, and maintain a system of video recording officers' encounters with the public with body-worn [cameras.]" Paragraph 173 of the Consent Decree requires the Monitor to "conduct reviews or audits as necessary to determine whether the City and NPD have

¹ The Monitor defines "Compliance" to mean that NPD has satisfied a Consent Decree requirement by demonstrating routine adherence to the requirement in its day-to-day operations or by meeting the established deadline for a task or deliverable that is specifically required by the Consent Decree or Monitoring Plan. NPD's compliance efforts must be verified by reviews of data systems, observations from the Monitoring Team, etc. (See First Year Monitoring Plan, **Exhibit C**, Compliance Methodology, ECF No. 31; Consent Decree, Paragraphs 176, 178.)

May 24, 2019

Page 2

implemented and continue to comply with the requirements” of the Consent Decree. The Monitoring Team must assess whether both the City and NPD have “implemented the [BWC] requirement into practice.” (*See* Consent Decree, Paragraph 173.)

In preparation for the audit, two (2) weeks prior to the start of the audit the Monitoring Team will require the production of a list of all event numbers associated with all call codes that necessitate body-worn camera activation and deactivation during the review period in order for the Monitoring Team to draw a random sample of cases. One week after receiving this information, the Monitoring Team will provide the City and NPD with the event numbers of the cases it seeks to review. All body-worn camera video associated with the event numbers included in the sample will be made available to the Monitoring Team on the day(s) of the audit in the *secure* room provided for viewing. Additionally, if requested by the Monitoring Team, the videos shall be accompanied by the Records Management, Incident and/or Administrative Reports that should accompany the videos.

The Monitoring Team intends to review BWC footage within the sample size of 200 randomly selected events² that occurred in the First, Second, Fourth, and Fifth Precincts³ to determine whether NPD is adhering to its BWC policy (“General Order 18-05”).

By the week of July 8, the Monitoring Team will need access to the following:

- a *secure* room at NPD Headquarters with two computers;
- all body-worn camera videos associated with the randomly selected event numbers with call codes requiring body-worn camera activation and deactivation captured during NPD officers’ shifts in the First, Second, Fourth, and Fifth Precincts between January 1, 2019 to March 31, 2019 (“implementation period”); and
- all body-worn camera malfunction reports created between January 1, 2019 to March 31, 2019 in the above-referenced precincts.

² Events are determined using NPD’s CAD dispatch data.

³ NPD reported that as of December 31, 2018, all NPD personnel deployed with a BWC in these precincts have received training on General Order 18-05.

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Additionally, I am enclosing the Monitoring Team's audit methodology. The Monitoring Team submits that the 45-day period set forth in Consent Decree Paragraph 180 begins to run on the date this letter is transmitted to the Parties.

Sincerely,

/s/ Peter C. Harvey

Peter C. Harvey

Enclosures

CC: Rashida J. Ogletree, Esq.
Special Counsel
Jeffrey R. Murray, Esq.
Corey M. Sanders, Esq.
Patrick Kent, Esq.
Trial Attorneys
Special Litigation Section
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Craig Carpenito, Esq.
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Kristin Vassallo, Esq.
Deputy Chief - Civil Division
Kelly Horan Florio
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District of New Jersey
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Newark, NJ 07102

Monitoring Team's Audit Methodology
Page 1

Introduction

The Monitoring Team will conduct an Audit of (insert topical area here). The Monitoring Team will conduct an external review to achieve the following core objectives:

1. Ensure compliance with Section IX of the Consent Decree;
2. Ensure compliance with Section XII of the Consent Decree;
3. Ensure Compliance with NPD policies and procedures;
4. Identify Improvement Opportunities for Frontline officers and Senior Management Personnel; and
5. Inform NPD and the Newark Community about NPD's progress (Transparency)

As per Paragraphs 173 & 174 of the Consent Decree:

173. The Monitor will conduct compliance reviews or audits as necessary to determine whether the City and NPD have implemented and continue to comply with the requirements of this Agreement. Compliance with a requirement of this Agreement requires that the City and NPD have: (a) incorporated the requirement into policy; (b) trained all relevant personnel as necessary to fulfill their responsibilities pursuant to the requirement; and (c) implemented the requirement in practice. The Monitor's compliance reviews and audits will consider all information necessary for a reliable and comprehensive assessment, and may rely on sampling and compilation of data where appropriate.

174. In addition to compliance reviews and audits to determine whether the specific requirements of this Agreement have been met, the Monitor will assess whether implementation of this Agreement is resulting in the desired outcomes (i.e., policing that is consistent with the Constitution and that engenders effective cooperation and trust between NPD and the community it serves.) These outcome assessments will include collecting and analyzing the following data to establish a baseline and assess change over time.

Definitions

Before any audit can begin, both the City and NPD must have a minimum period of 90 days *after* the implementation of both (i) the *effective date* of the policy and (ii) training of *all* required personnel on the policy. The baseline audit will be the initial audit and will continue until compliance has been achieved.

Full implementation is the time at which (a) the updated policy has been adopted and has become effective, (b) the associated necessary reporting forms have been created and implemented, (c) the procedures manuals have been completed, and (d) full training on the new policy has been completed for 90 days prior to the audit.

Baseline refers to the first measures collected at the time of the first audit review. The initial audit can take place only after *Full Implementation*; otherwise the measurement will reflect pre-implementation conditions. Any measurement taken pre-implementation will be referred to as *pre-baseline*.

Monitoring Team's Audit Methodology
Page 2

Compliance will have been achieved when the audit has produced a 95% rate of compliance within the audited sample, as determined by either officer compliance or Supervisor correction of officer error; *i.e.* if 95/100 sampled cases show either of these actions NPD is deemed to be compliant.

PHASE I- Administrative Review

Once the Data Team provides inventories of relevant provisions of the Consent Decree that apply to each topical area, SME's will complete comparisons against sections A,B,C, D, and E below, with support as needed by the Data Team.

Initial Compliance Assessment: Qualitative and Observational Process Reviews

A. Policy (General Order "GO") Development

Compliance Review: SME review of General Order to match Consent Decree; SMEs will review and match specified provisions in GO with Consent Decree ("CD") sections line-by-line, indicating paragraph number(s) from the CD to match with paragraph number(s) from the GO.

B. Procedure Manual (Standard Operating Procedures "SOP")

Compliance Review: SME review each SOP manual to determine acceptability of practice. SME will provide expert evaluation of SOP in a written report. SME will review SOP to match specified provisions in GO.

C. Development of Forms

Compliance Review: SME review of NPD Reporting Forms to ensure consistency with CD; SMEs will review reporting forms to match provisions of CD. SME will review data collection approach (manual, semi-automated or full automation) and indicate in what system the data is entered to document the capture of critical metrics. SME should specify if forms and process match SOP and training material.

D. Training

Training Protocol Development *Compliance Review:* SME review of Training Protocol to compare and match the General Order to and with the SOP. SMEs will review and match specified provisions in the GO with training protocol and curriculum sections. SME should specify if reporting/data collection is covered in training materials.

E. Technology and Reporting Systems

Compliance Review: SME review of Technology and Electronic Reporting Systems to ensure consistency. SMEs will review technology systems to confirm and document consistency and compliance between the CD, SOP, data collection forms used in the field, and training.

Monitoring Team's Audit Methodology
Page 3

PHASE II- Audit Methodology

Audit Methodology and Procedures, Subject Areas and Subject Matter Experts

A. Audit Methodology Procedures

1. Auditing will employ sampling procedures calculated according to risk tolerance.
2. Monitoring frequency will be identified by the Monitor and will be dependent on levels of compliance.
3. Once frequency and expected monitoring time has been determined, Newark Police Division will be notified forty-five (45) days in advance of the date of audit, regarding methodology and content of the audit.
4. Steps *prior* to *Policy Implementation* ("Live" date; *Day 0*):
 - a. **First:** GO and SOP is completed and adopted; not yet implemented as training is still required
 - b. **Second:** All reporting forms (automated and manual) are in place prior to training
 - c. **Third:** Training begins and proceeds until all officers are trained
5. Timeline template after *Policy Implementation*:
 - a. *Day 0 - Start date* (policy can be considered to "go Live" once 5(a) through 5(c) have been completed)
 - b. Day 30 - Conduct a pretest to ensure audit template is accurate for technology assistance
 - c. Day 45 - Serve notice to NPD of formal audit
 - d. Day 90 - Conduct formal audit at NPD to produce *Baseline* measures
 - e. Day 180 - Follow-up outcome assessments based on frequency determined by the Monitor

Appendix C



DEPARTMENT OF PUBLIC SAFETY
MEMORANDUM



TO: POLICE DIVISION
FROM: ANTHONY F. AMBROSE
PUBLIC SAFETY DIRECTOR
SUBJECT: BWC/ICC PRE-RECORDING
TIME CHANGE

DATE: AUGUST 9, 2019
NUMBER: 19-412
FILE REF: PTL-1

Division personnel are hereby advised that the body-worn camera (BWC) and in-car camera (ICC) systems' "pre-record" feature have been modified for officer safety.

Effective immediately, when the BWC is activated, the pre-record time will now extend from the previous standard of thirty seconds to **two minutes** prior to the actual activation of the camera. The ICC pre-record time has been extended from thirty seconds to **ninety seconds** prior to activation of the camera. This change was made to benefit personnel by ensuring video evidence exists in the event personnel has to take an emergency police action prior to having an opportunity to activate their cameras.

This change does not affect any previous department policy or procedure regarding when personnel is required to activate or deactivate their camera.

Police Division personnel shall confirm receipt, compliance and understanding by way of electronic signature in the Power Document Management System (PowerDMS) no later than **Friday, September 6, 2019**.

BY ORDER OF

ANTHONY F. AMBROSE
PUBLIC SAFETY DIRECTOR

AFA/BO:rme
c: Darnell Henry, Chief of Police