

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

CONSENT DECREE

Independent Monitor - Thirteenth Quarterly Report

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Independent Monitor
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THIRTEENTH QUARTERLY REPORT
(January 1, 2020 to March 31, 2020)

**I. EXECUTIVE SUMMARY OF THIRTEENTH QUARTER'S ACTIVITIES
(JANUARY 1, 2020 – MARCH 31, 2020)¹**

This assessment is Independent Monitor Peter C. Harvey's Thirteenth 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 January 1, 2020 to March 31, 2020.²

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 the Monitoring Team's audits.

II. DETAILED STATUS UPDATES

In this Quarterly Report, the Monitoring Team provides a detailed update on (1) terminations and suspensions of NPD members in 2019; (2) the impact of COVID-19 on NPD's Consent Decree reforms; (3) NPD's administration of bias-free policing training; and (4) the status of the Monitoring Team's audits.

A. NPD's Disciplinary Actions in 2019

As the Monitoring Team recently reiterated in the Eleventh Quarterly Report, the United States Department of Justice's ("DOJ") 2014 investigation of NPD's Internal Affairs revealed a number of deficiencies, such as the flawed application of discipline, including the near

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 March 31, 2020.

² 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/>.

absence of disciplinary findings or action. Consent Decree Paragraphs 112 to 155 are intended to correct the Internal Affairs deficiencies identified by DOJ in 2014. Currently, NPD's reported disciplinary actions illustrate an improvement in the Internal Affairs Unit and an increased commitment to holding its members accountable for conduct that violates either NPD's policies or applicable criminal statutes.

As of December 31, 2019, NPD reported 118 terminations or suspensions of sworn and unsworn (civilian) members. According to NPD, investigations conducted in 2019 resulted in three officer terminations, 79 officer suspensions, and 20 civilian suspensions. The remaining 16 disciplinary actions consist of suspensions that were a result of investigations that occurred prior to 2019.³ The Monitoring Team will report on NPD's disciplinary actions in future Quarterly Reports.

B. Impact of the COVID-19 Pandemic on NPD's Consent Decree Reforms

A novel strain of coronavirus, known as COVID-19, emerged overseas sometime in the last quarter of 2019, and reached the United States sometime around January 2020. In March 2020, Newark, New Jersey recorded its first confirmed COVID-19 case. As of the publication of this Report, the disease has claimed over 12,000 lives in New Jersey—the second most of any state in the United States—and over 110,000 lives in the United States.⁴ New Jersey had over 166,000 confirmed cases of COVID-19, and New York State had more than 380,000.⁵

³ Data regarding NPD's Office of Professional Standards is available at <https://npd.newarkpublicsafety.org/assets/docs/transparency/201912.pdf>.

⁴ *Coronavirus in the U.S.: Latest Map and Case Count*, N.Y. TIMES, <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html> (last updated June 12, 2020).

⁵ *Id.*

On March 9, in response to the growing public health crisis posed by the spread of the novel coronavirus COVID-19, the Governor of New Jersey, Phil Murphy, declared a state of emergency. On March 21, Governor Murphy announced Executive Order No. 107, which set forth a number of measures aimed at limiting the spread of COVID-19 in New Jersey, including: (i) closing non-essential retail businesses; (ii) requiring residents to remain home or at their place of residence unless traveling for certain enumerated reasons; (iii) calling for individuals to maintain social distancing by making all efforts to stand or sit at least six feet away from each other; and (iv) limiting social gatherings, among other things. Separately, on March 25, Newark Mayor Ras J. Baraka issued a city-wide “shelter-in-place” mandate. In the weeks that followed, New Jersey and Newark officials have issued a series of updates to these public health orders. In Newark, NPD officers have been tasked with enforcing the state and local orders.

This public health crisis has placed significant strains on NPD’s resources in at least two ways: by requiring NPD to take on additional public health service responsibilities and reducing the number of available officers. First, in the face of the pandemic, NPD officers have continued to provide regular police activities, such as responding to calls for service, but also have assumed additional tasks, including enforcement of shelter-in-place, social distancing, and non-essential business closures. Second, positive COVID-19 tests and quarantines have impacted the number of NPD sworn members available. As of June 11, NPD reported that 177 sworn members have tested positive for COVID-19 and 292 were under mandatory or self-imposed quarantine. According to NPD, 144 sworn members who tested positive for COVID-19 have recovered and 33 are still recovering. Because of the limited number of officers available, members of NPD’s Consent Decree Planning and Implementation Unit have occasionally been assigned to field duty to assist other NPD officers. NPD also reported members had missed over

7,200 days of work due to COVID-19. As of the publication of this Report, NPD disclosed that five current members of NPD had passed away from COVID-19 during the pandemic.⁶

The COVID-19 pandemic has delayed both NPD's efforts to implement certain Consent Decree requirements, as well as the Monitoring Team's ability to evaluate NPD's compliance. For example, to mitigate the spread of COVID-19, NPD has suspended all in-person training, including NPD's Bias-Free policing training, which began in February 2020. Likewise, to protect the health and safety of members of both NPD and the Monitoring Team, the Monitoring Team has postponed in-person review NPD's activities or police documents, as well as in-person meetings between its Subject Matter Experts ("SMEs") and members of NPD.

However, the City, NPD, and DOJ (collectively, the "Parties") and the Monitoring Team remain committed to making progress on Consent Decree reforms. On March 20, 2020, NPD requested (1) a temporary suspension of all on-site inspections and audits due to the public health emergency caused by the coronavirus and (2) a list of the documents or information that NPD should make accessible to the Monitoring Team's SMEs so that they can review them while working remotely. The Monitoring Team has advised the Parties that it will not take possession of any original NPD records to maintain the integrity of the data and protect against inadvertent disclosure of sensitive information. Likewise, any remote access to NPD's data will require measures to ensure secure and limited access.

⁶ Chris Ryan, *Newark Cop, 59, Dies from Coronavirus Complications*, NJ.COM, <https://www.nj.com/coronavirus/2020/04/newark-cop-59-dies-from-coronavirus-complications.html> (last updated Apr. 4, 2020); ABC, *Coronavirus News: Newark Police Department Member Dies of COVID-19 Complications*, ABC (Apr. 14, 2020), <https://abc7ny.com/daniel-francis-newark-police-department-coronavirus-deaths-new-jersey/6102993/>; Titus Falodun, *COVID-19: Officials: Father, Newark Officer Dies Due To Coronavirus Complications*, NEW JERSEY NEWS NETWORK, <https://www.newjerseynewsnetwork.com/story/42078662/covid19-father-officer-dies-due-to-virus-complications-officials-say> (last updated May 1, 2020); ABC, *Coronavirus News: 27-Year Veteran of Newark Police Department Dies of COVID-19*, ABC (May 11, 2020), <https://abc7ny.com/health/27-year-veteran-of-newark-police-department-dies-of-covid-19/6170827/>.

On March 30, the Monitoring Team responded to NPD that all in-person audit activity and on-site inspections would be suspended until New Jersey health officials announce that the stay-at-home orders have been lifted and that it is safe to resume in-person meetings.⁷ The Monitoring Team also advised that the Monitoring Team's Second Training Records audit would continue as scheduled since this audit did not require in-person activities or inspections.

During conference calls with the Parties to the Consent Decree in March and April 2020, the Parties and the Monitoring Team agreed to move forward with additional audits in circumstances where these audits can be done without jeopardizing the health and safety of NPD officers and members of the Monitoring Team. These audits include: (1) the *First Use of Force*, (2) *Second Body-Worn Camera*, and (3) *Second Training Records* audits. The SMEs' ability to conduct those audits will depend on whether NPD can provide secure remote "*read only*" access to the data and records necessary for members of the Monitoring Team to properly conduct the audits contemplated by the Consent Decree. "*Read only*" access would allow the SMEs to open and review data and documents, but not modify it. This limited form of access ensures the integrity of the materials being reviewed.

While the COVID-19 pandemic has slowed NPD's progress with Consent Decree reforms, the Monitoring Team will do as much as it can to conduct the essential work of ensuring that NPD provides Newark residents with modern, Consent Decree-compliant police services. For example, the Monitoring Team has explored the possibility of utilizing a virtual private network ("VPN") set up by the City and NPD and shared folder access for SMEs as ways to conduct audits remotely. A VPN enables users to send and receive data across shared or public

⁷ In addition to New Jersey, the following states, where Monitoring Team SMEs reside, have issued stay-at-home orders: California (as of March 19, 2020), Massachusetts (as of March 23, 2020), and Vermont (as of March 24, 2020). The Monitoring Team will consider the guidance offered by health care officials in these states in determining when it is safe for Monitoring Team SMEs to resume in-person meetings.

networks and importantly, establishes secure and encrypted connections to provide greater privacy than even a secured Wi-Fi hotspot. The Monitoring Team will provide an update of its efforts to conduct audits in a future Quarterly Report.

B. Bias-Free Policing Training

NPD's General Order 17-06 ("Bias-Free Policing") became effective on September 19, 2017, making it the first substantive policy implemented pursuant to the Consent Decree. Following the General Order's implementation, the Monitor urged NPD to develop training on the policy and best practices in the subject area consistent with Section VII and Paragraph 63 of the Consent Decree. Specifically, in the Third Quarterly Report, covering the period from June 1, 2017 through September 30, 2017, the Monitor urged NPD to retain an outside consultant to help it develop scenario-based training that would provide officers with a better understanding of the way that bias influences policing decisions and tools to limit bias in their own actions.

1. Newark's Hiring of Consultant: Fair and Impartial Policing

In April 2019, the City and NPD retained outside consultant *Fair and Impartial Policing* ("FIP") to develop the core of NPD's bias-free policing training. FIP is a provider of implicit bias awareness training for law enforcement agencies aimed at conveying the science of bias, discussing the negative consequences of allowing "hidden biases" to impact officers' perceptions and behavior, teaching police professionals the skills that they need to reduce and manage their biases and ultimately, furthering an agency's efforts to strengthen the relationship between the police department and the communities that it serves.

FIP's materials serve as the foundation or core of the bias-free policing training. Because the Consent Decree requires that the training include Newark-specific material (Consent Decree ¶¶ 14, 63), NPD supplemented the FIP materials by seeking input from the Newark

community on real-world scenarios relevant to the training. With assistance from community members and the New Jersey Institute for Social Justice (“NJISJ”), a member of the Monitoring Team, NPD added training material to the curriculum that deals closely with the day-to-day experiences of Newark residents. For example, the training includes information regarding the Newark Rebellion, providing officers with important context surrounding longstanding mistrust between police officers and the Newark community. The training also includes scenarios developed in part by community members.

2. *Commencement of Bias-Free Policing Training*

The Monitoring Team is pleased to report that during this reporting period, NPD began administering bias-free policing training. On March 3, 2020, the Monitoring Team’s SMEs observed an FIP training in the Seventh Precinct. The SMEs found the trainers to be effective and the officers receiving the training engaged. The SMEs did note, however, some issues with the manner in which the training was being administered. First, the training administered did *not* include scenarios NPD had collected from and developed with community members; the training team had not received the revised curriculum containing the scenarios. NPD assured the Monitoring Team that these scenarios would be included in future training classes. Second, when presenting the findings of DOJ’s investigation, particularly the rate of illegal “suspicious person” stops and the percentages of black and white individuals stopped, some officers and a trainer expressed skepticism of the accuracy of these numbers. The SMEs spoke with the trainers to emphasize the importance of presenting DOJ’s findings as accurate, especially considering that these findings led to the Consent Decree. Third, because some officers received training before their superiors, such as lieutenants and captains, a number of officers were concerned that their superiors would be unfamiliar with the content of the training. Thus, to address that concern, NPD held a training with over 30 superior officers in attendance.

After the initial training of superior officers, the NPD intended to train fewer superior officers during each session to avoid having a large group of superiors absent from the field at the same time. As of the publication of this Report, NPD reports that approximately 70 to 80 supervisors have received FIP training. However, NPD's plan to hold smaller classes for superiors has been delayed by the COVID-19 pandemic. NPD reports that it is currently exploring the possibility of administering FIP training remotely. The Monitoring Team will report on the progress of bias-free training once it resumes.

3. *NPD's Separate Community Policing Training*

NPD must also ensure that its future training incorporates Consent Decree requirements not captured in its current bias-free training. Paragraphs 14 and 63 of the Consent Decree require NPD to provide training to its officers regarding community policing and bias-free policing. As explained in the Monitor's Fourth Quarterly Report, NPD had previously elected to pursue a training curriculum that addresses these two areas simultaneously, but in two separate training programs. However, NPD's training did *not* adequately follow that course.

NPD has included most of the Paragraph 63 material in its FIP training, but some Consent Decree requirements have yet to be incorporated into any of NPD's trainings. For example, Consent Decree Paragraph 63(f), which requires NPD to incorporate into its training "instruction in the data collection protocols required by this [Consent Decree]," is not addressed in NPD's Community Policing training or its current FIP training. Because NPD has not finalized each protocol required by the Consent Decree (*see e.g.*, Consent Decree Paragraph 53), NPD is unable to include this material in its training. NPD must develop its protocols and submit them for the Monitor and DOJ's approval before incorporating that material in its training.

NPD has not completed all of the training elements required by Paragraph 14.

NPD's FIP training does not address Paragraph 14(a), which requires training on "methods and strategies to improve public safety and crime prevention through community engagement."⁸

NPD has yet to include in any of its training to date "scenario-based training that promotes the development and strengthening of partnerships between the police and community," (Consent Decree ¶ 14(b)), as it relates to training on community policing and problem-oriented policing methods and skills. NPD must incorporate these elements into the separate Community Policing training that it is continuing to write and develop. The Monitoring Team looks forward to reporting on NPD's progress in administering training.

4. *Bias-Free Policing Testing*

NPD members who receive training are required to take a test on the material presented and those who do not achieve 80% must review all incorrect answers with the instructor. In the *First Training Records Audit* report and the Monitor's Tenth Quarterly Report, the Monitoring Team recommended that NPD also administer a second, follow-up test to those who did not pass in the first instance. Following the Monitoring Team's recommendation, NPD prepared a second test for NPD members who failed the initial test for Bias-Free Policing. NPD members who fail to achieve 80% on the initial test will have a discussion with the instructors about the issues they missed. Following that discussion, members will take a second test that covers the material. Members who fail the second test will be required to retake the training.

⁸ NPD had developed a "draft Community Policing Strategy," which has never been formally adopted. This "strategy" is referenced in Appendix A (Neighborhood Policing Plans) to General Order 18-13, *Community Policing*. NPD should consider updating the draft Community Policing Strategy, which has since expired, to address Paragraph 14(a).

For all other trainings going forward, NPD has also agreed to administer a second test for all NPD members who fail the initial test.

As mentioned above, during this reporting period, all in-person training, including NPD's bias-free policing training, was put on hold to protect the health and safety of NPD officers. However, NPD is exploring options to offer remote training during this time. The Monitoring Team will provide an update on administration of this training once it resumes.

C. Audits

On January 16 and 17, 2020, pursuant to Consent Decree Paragraph 180, respectively, the Monitoring Team provided NPD with notice that the Monitoring Team would conduct its *Second* Training Records audit and *First* Stops audit. On February 3, the Monitoring Team sent NPD notice of the *Second* Body-Worn Camera audit.

During this reporting period, on February 13, 2020, the Monitoring Team began its *First* Use of Force audit. On March 6, 2020, the Monitoring Team provided NPD with notice that the Monitoring Team would soon initiate an audit of NPD's practices related to Community Policing.

Commencing or continuing any in-person audit will depend on the guidance of public health officials in both New Jersey and the states where the Monitoring Team's SMEs reside. The Monitoring Team, in coordination with the Parties, will consider whether it is possible to conduct certain audits remotely.

For the status of the Monitoring Team's audits, see **Appendix C**.

III. NEXT QUARTER ACTIVITIES (APRIL 1, 2020 – JUNE 30, 2020)

For the next quarter, the Monitoring Team's activities will continue to be guided by the advice of public health authorities in New Jersey and other states where SMEs reside.

Nonetheless, the Monitoring Team will coordinate with NPD and DOJ to determine which aspects of the Consent Decree can still be addressed and accomplished during these periods.

IV. APPENDICES

- A. Chronology of Key Events**
- B. Compliance Chart**
- C. Audit Status Chart**

Appendix A

Timeline (Meetings, Milestones and Events)**Monitoring Team's Thirteenth Quarterly Report — January 1 through March 31, 2020**

Date	Event
January 13, 2020	The Monitoring Team releases its Tenth Quarterly Report.
January 14, 2020	Status conference before the Honorable Madeline Cox Arleo, United States District Court Judge for the District of New Jersey.
January 16, 2020	The Monitoring Team provides NPD with notice that it intends to conduct its Second Training Records audit.
January 17, 2020	The Monitoring Team provides NPD with notice that it intends to conduct its First Stop audit.
February 3, 2020	The Monitoring Team provides NPD with notice that it intends to conduct its Second Body-Worn Camera and First In-Car Camera audit.
February 5, 2020	The Monitoring Team holds a community meeting to discuss its Tenth Quarterly Report at Saint John's Community Baptist Church.
February 13, 2020	The Monitoring Team begins its First Use of Force audit.
February 17, 2020	NPD posts its Community Engagement Report for the Fourth Quarter of 2019 on its website.
March 6, 2020	The Monitoring Team provides NPD with notice that it intends to conduct its First Community-Oriented Policing audit.
March 9, 2020	Governor Phil Murphy issues stay at home order in response to COVID-19 pandemic.
March 21, 2020	Governor Phil Murphy issues Executive Order No. 107 setting forth measures aimed at limiting the spread of COVID-19.

Appendix B

**Consent Decree Compliance and Implementation
(March 30, 2016 to June 16, 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	NPD reports that it has entered all training records into PowerDMS. The Monitor will assess this requirement during compliance audits.

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	After NPD implemented General Order 18-25, Internal Affairs: Complaint Intake & Investigation Process, the Superior Officers Association filed a grievance with the Public Employment Relations Commission (“PERC”) challenging the General Order. Implementation of the policy has been delayed pending PERC’s final decision.
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	

Internal Affairs: Complaint Intake and Investigation Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
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).
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).

Internal Affairs: Complaint Intake and Investigation Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
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).
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	

Internal Affairs: Complaint Intake and Investigation Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
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.
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)				

Internal Affairs: Complaint Intake and Investigation Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
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	
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.

Internal Affairs: Complaint Intake and Investigation Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
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.
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.

Internal Affairs: Complaint Intake and Investigation Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
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	
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	After NPD implemented General Order 18-26, Internal Affairs: Disciplinary Process and Matrix, the Superior Officers Association filed a grievance with the Public Employment Relations Commission (“PERC”) challenging the General Order. Implementation of the General Order has been delayed pending PERC’s final decision.
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.

Internal Affairs: Complaint Intake and Investigation Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
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 CONSENT DECREE AUDITS**Monitoring Team's Thirteenth Quarterly Report — January 1 through March 31, 2020**

The following chart notes the status of the Monitoring Team's audits.

Audit	Status
Community-Oriented Policing	March 6, 2020: 45-day notice is issued for first audit
Body-Worn Camera	February 3, 2020: 45-day notice is issued for second audit April 27, 2020: First audit report is issued
In-Car Cameras	February 3, 2020: 45-day notice is issued for first audit
Use of Force	October 15, 2019: 45-day notice is issued for first audit February 13, 2020: First audit commences
Stops	January 17, 2020: 45-day notice is issued for first audit
Training Records	October 15, 2019: First audit report is issued January 16, 2020: 45-day notice is issued for second audit