

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

## CONSENT DECREE

### Independent Monitor - Fourteenth Quarterly Report

Peter C. Harvey  
Independent Monitor  
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FOURTEENTH QUARTERLY REPORT  
(April 1, 2020 to June 30, 2020)

**I. EXECUTIVE SUMMARY OF FOURTEENTH QUARTER'S ACTIVITIES  
(APRIL 1, 2020 – JUNE 30, 2020)<sup>1</sup>**

This assessment is the Fourteenth Quarterly Report of the Independent Monitor Peter C. Harvey that comments on the City of Newark's (the "City") and Newark Police Division's ("NPD") progress with Consent Decree reforms during the period from April 1, 2020, to June 30, 2020.<sup>2</sup>

**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) NPD's and the Monitoring Team's efforts to conduct remote audits and NPD's training classes in light of the COVID-19 pandemic; (2) the City's and NPD's response to protests and unrest triggered by the killing of George Floyd in Minneapolis, Minnesota, and NPD's ongoing community engagement efforts; and (3) NPD's development of a Property & Evidence procedural manual, a document critical to standardizing NPD's operations concerning property and evidence management and instilling best practices.

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<sup>1</sup> 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 June 30, 2020.

<sup>2</sup> 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/>.

**A. Efforts to Conduct Audits and Training  
During the COVID-19 Pandemic**

As detailed in the Independent Monitor's Thirteenth Quarterly Report, covering the period from January 1, 2020, through March 31, 2020, COVID-19 has delayed both the Monitoring Team's efforts to conduct audits and NPD's administration of training required by the Consent Decree. On March 20, 2020, NPD's Public Safety Director requested that the Monitoring Team discontinue audits since members of the Monitoring Team and NPD personnel could not meet in person to examine relevant documents essential to conducting audits. The Monitoring Team agreed to discontinue in-person audits and on-site inspections.

In March and April, the City, NPD, the United States Department of Justice ("DOJ") (collectively, the "Parties"), and the Monitoring Team began to discuss ways to conduct audits without jeopardizing the health and safety of NPD officers and members of the Monitoring Team. During this reporting period, the Monitoring Team and the Parties continued to work together to pursue solutions that would allow remote audits and training classes to continue despite the ongoing public health concerns related to the pandemic and the state of emergency declared in New Jersey that the Governor is slowly lifting in phases.

**1. Audits**

The City, NPD, and the Monitoring Team have made considerable efforts to establish remote auditing capabilities while COVID-19-related restrictions on in-person meetings remain in place. During this reporting period, the Monitoring Team and NPD worked to resolve one of the key barriers towards remote auditing: remote access to recordings taken by body-worn and in-car cameras. To date, NPD has not developed a systematic approach to permitting secure, remote access to its police documents or recordings, but has recently devoted substantial attention to this task. While secure remote access technology will help the Monitoring Team

fulfill its audit duties under the Consent Decree, it also will help NPD adapt to the new constraints on work posed by the pandemic. As a result of a collaborative effort between the Monitoring Team and NPD, the Monitoring Team was able to resume much of its audit activities after the close of this reporting period (June 30, 2020).<sup>3</sup>

a. *Use of Force*

Consent Decree Paragraph 173 requires the Monitor to “conduct compliance 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].” The Monitoring Team’s *First Use of Force* audit assesses NPD’s compliance with Section VIII of the Consent Decree.<sup>4</sup> As part of the audit, members of the Monitoring Team had planned to review all relevant materials, including body-worn camera footage and incident reports, for use of force incidents to determine whether NPD officers complied with both the policy and training.

The *First Use of Force* audit began on February 13, 2020, with members of the Monitoring Team reviewing materials on NPD’s premises, such as Use of Force reports and the associated body-worn camera footage. Once the State of New Jersey adopted pandemic restrictions on certain in-person gatherings, this audit was paused mid-stream. Over the next several months, the City and NPD were unable to provide the Monitoring Team with remote access to NPD’s materials on a “read-only” basis, meaning, permitting remote access to view, but not edit or download these materials—two safeguards that are paramount when handling confidential police data.

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<sup>3</sup> For the status of the Monitoring Team’s audits, see *Appendix C*.

<sup>4</sup> Section VIII of the Consent Decree requires, among other things, that “NPD will develop and implement policies and training directing that the use of force by members of the NPD accords with the rights secured and protected by the Constitution and state and federal law.”



The Monitoring Team worked with NPD to develop an appropriate technological solution. After several attempts to use other technologies,<sup>5</sup> NPD decided to save copies of the relevant body-worn camera videos on encrypted, password-protected external drives and provide the drives to the members of the Monitoring Team conducting the audit. After the close of this reporting period (June 30, 2020), all of the records for the *First* Use of Force audit had reached the Monitoring Team for its remote review. The Parties and the Monitoring Team will continue to consider the feasibility of resuming in-person audits and using additional technologies as needed.

b. *Stops*

The Monitoring Team's *First* Stop audit will assess whether NPD has complied with certain sections of the Consent Decree related to NPD's Investigatory Stops and Detentions (also referred to as "Stops"), including parts of Sections VI, VII, XV, and XVI. To assess compliance, the Monitoring Team will evaluate whether NPD is following its own policy, protocols, procedural guidelines, notification(s), and reporting requirements with respect to Stops.

On January 17, 2020, the Monitoring Team provided NPD with a 45-day notice of its intent to conduct its *First* Stop audit, covering the period from October 1, 2019, up to and including December 31, 2019 (the "Audit Period"). In addition to providing notice, the Monitoring Team requested that NPD provide it with relevant data and records for the Audit Period. On March 18, 2020, NPD provided the Monitoring Team with data collected during the

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<sup>5</sup> Use of a virtual private network ("VPN") and shared drive both impaired audio and video quality, rendering them unusable for the purposes of the audit. The Monitoring Team suggested a dedicated online server accessible to the Monitoring Team, but the City could not secure the resources and approvals.

Audit Period. The Stop audit commenced on July 28, 2020, after the close of this reporting period.

Paragraph 52 of the Consent Decree requires NPD to collect specific stop and search data, such as, for example, (i) duration of the stop, (ii) whether the driver was required to exit the vehicle on a motor vehicle stop, (iii) pretextual stop information, and (iv) whether the individual was asked to consent to a search, among other information. To accomplish this requirement, NPD revised its *Investigatory Stop Report* (“Stop Report”) to capture the specific data requirements outlined in Paragraph 52 of the Consent Decree. The revised Stop Report was approved by the Monitor in the first quarter of 2019. It was not made operative by NPD, however, until June 16, 2020, after this Audit Period, due to issues between the City and the vendor. With respect to this and other audits, the Monitoring Team will not change the audit period or delay its reports if, as here, NPD makes changes to its policies or procedures after the Audit Period has been determined. Therefore, the Audit Period covered in the *First* Stop audit will not include officers’ use of NPD’s new, revised Stop Report.

Future stop audits conducted by the Monitoring Team will cover Audit Periods in which NPD is using the revised Stop Report.

c. *Training Records*

During this reporting period on May 27, 2020, the Monitoring Team conducted its *Second* Training Records audit upon receiving the relevant materials from NPD. The *Second* Training Records audit examined NPD’s compliance with Consent Decree Paragraph 12, which requires NPD to “maintain complete and consistent training records for all officers.” Additionally, this audit will comment upon NPD’s implementation of the Monitoring Team’s recommendations from the *First* Training Records audit that concerned augmenting NPD’s training staff and facilities, formalizing its process for selecting trainers and administering

remedial training and improving organization and scheduling of trainings (*See* Independent Monitor's Tenth Quarterly Report Section I(B)).

The Monitoring Team will provide the audit results in its next (Fifteenth) Quarterly Report.

## 2. **Training**

As detailed in the Thirteenth Quarterly Report, due to the COVID-19 pandemic, NPD suspended in-person trainings and explored the possibility of administering the trainings remotely. On June 25, 2020, NPD issued a memorandum instructing personnel that training sessions regarding (a) Stops, (b) Searches with or without a warrant, (c) Arrests with or without a warrant, and (d) Bias-Free Policing training will resume. Pursuant to the memorandum, in-person training resumed for NPD officers after the close of this reporting period, on July 13, 2020. The first three weeks of training were allotted to personnel from NPD's most recent recruit class. The remaining personnel resumed training on August 3, 2020. Importantly, the trainings will abide by the following COVID-19 safety protocols: (1) requiring face masks, (2) ensuring social distancing, (3) limiting classes to 20 attendees, and (4) disinfecting the room before and after every class.

### **B. NPD's Response to Newark Protests and Ongoing Community Engagement Efforts**

On May 25, 2020, George Floyd was killed in Minneapolis, Minnesota in police custody while handcuffed, and after a Minneapolis Police Department Officer knelt on his neck for nearly nine minutes, and Mr. Floyd made repeated pleas to the officers that he could not breathe.<sup>6</sup> Bystanders captured this abusive conduct on cellphone videos. These videos catalyzed

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<sup>6</sup> *See, e.g.,* Evan Hill, et al., *How George Floyd Was Killed in Police Custody*, N.Y. TIMES, <https://www.nytimes.com/2020/05/31/us/george-floyd-investigation.html> (last updated Aug. 13, 2020)



protests around the country against police brutality and structural inequalities facing people of color. In response to some of these protests, which were largely peaceful, some police departments used tear gas, rubber bullets,<sup>7</sup> tasers,<sup>8</sup> and excessive force, all purportedly in an attempt to restore order.<sup>9</sup>

Residents of Newark also protested. NPD's response to Newark protestors was of a distinctly different character than that observed in other cities. NPD officers marched alongside protestors, as community leaders helped ensure the demonstrations remained peaceful. This collaboration is a step in the right direction as NPD resets its relationship with the Newark community—led in part by its Consent Decree and Planning Division—and continues to build trust and dialogue with its community leaders.

1. *Newark Protests in Response to the Killing of George Floyd in Context*

To appreciate the significance of NPD's response to protests following Mr. Floyd's death, some history is useful for context. Newark is no stranger to protests against police brutality. Over 50 years ago, the City experienced the "Newark Rebellion" in the summer of 1967 after white police officers beat and arrested John Smith, a Black cab driver. Community members who witnessed Mr. Smith being beaten and dragged into the then-Fourth Precinct or had heard about the attack from others gathered in a crowd near the Precinct. Rumors spread

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<sup>7</sup> See, e.g., Shaila Dewan & Mike Baker, *Facing Protests Over Use of Force, Police Respond With More Force*, N.Y. TIMES, <https://www.nytimes.com/2020/05/31/us/police-tactics-floyd-protests.html> (last updated June 2, 2020).

<sup>8</sup> See, e.g., Mark Morales, *Protesters in New York detail alleged police abuse at demonstrations*, CNN, <https://www.cnn.com/2020/06/18/us/ny-attorney-general-letitia-james-townhall/index.html> (last updated June 18, 2020).

<sup>9</sup> There were also instances of civilians' vandalism and theft. See, e.g., Allison McCann, et al., *N.Y.P.D. Says It Used Restraint During Protests. Here's What the Videos Show*, N.Y. TIMES (July 14, 2020), <https://www.nytimes.com/interactive/2020/07/14/nyregion/nypd-george-floyd-protests.html> (reporting that videos from protests in New York City show police officers pushing, shoving, body-slamming and beating protesters with batons).

throughout the community that Mr. Smith had died in police custody, although he had actually been transported to a local hospital. In response to aggression from protesters, officers in riot gear attempted to drive the community away from the Precinct. As the crowd dispersed, looting broke out nearby. Civil unrest and police violence lasted for six days and, in the end, resulted in 26 deaths and more than 700 injured. The 1967 uprising came at a time when, like the summer of 2020, racial tensions were erupting in cities across the country.<sup>10</sup>

This time was different. On May 30th, protesters gathered by the Abraham Lincoln statue near the Historic Courthouse before marching down Market Street and making a right turn onto Broad Street.<sup>11</sup> There were no arrests related to the protests and only minor property damage.<sup>12</sup> Representatives from the City of Newark's government joined the protestors, chief among them, Newark Mayor Ras Baraka, who marched with protestors after holding a press conference at City Hall and delivering an address by the Abraham Lincoln statue.

Throughout the day of protest, NPD—and the City of Newark—differentiated itself from police departments across the nation by the manner in which it engaged with protestors, and also from its own history of violent responses to protests, such as the Newark Rebellion. NPD's non-violent response to protestors is a helpful contribution toward its efforts

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<sup>10</sup> The Newark Rebellion was followed by decades of turbulent relations between the community and police. Nearly 50 years later, DOJ and the City signed the Consent Decree to address civil rights violations by police in Newark. For more information about the Newark Rebellion, *see* Rick Rojas & Khorri Atkinson, *Five Days of Unrest That Shaped, and Haunted, Newark*, N.Y. TIMES, (July 11, 2017), <https://www.nytimes.com/2017/07/11/nyregion/newark-riots-50-years.html>; *Rebuilding Life in Newark After the 1967 Riots*, Talking Eyes Media, (July 1, 2015), <https://www.theatlantic.com/video/index/396875/life-newark-1967-riots/>.

<sup>11</sup> Tracey Tully & Kevin Armstrong, *How a City Once Consumed by Civil Unrest Has Kept Protests Peaceful*, N.Y. TIMES (June 1, 2020), <https://www.nytimes.com/2020/06/01/nyregion/newark-peaceful-protests-george-floyd.html>.

<sup>12</sup> *Id.*

to improve its relationship with the Newark community, and the Monitoring Team commends NPD and the City for it.

Newark community groups and community members were instrumental in defusing potentially tense confrontations between protestors and NPD officers, especially during a standoff between them later that evening outside of the First Precinct. This precinct is historically significant as it was formerly known as the Fourth Precinct in Newark's central ward where the cab driver, Mr. Smith, had been taken after being beaten and where the "Newark Rebellion" began.<sup>13</sup> The Newark Community Street Team, a group assembled by the City of Newark's Mayor's Office, was instrumental in preventing violence and mitigating conflicts on the day of the protests. At one point, the Community Street Team intervened and discouraged a young woman, who pulled matches and alcohol out of her pocket, from starting a fire. She was suspected of coming to Newark from outside the city.<sup>14</sup>

NPD and the City's challenge is to ensure that their approach to the protestors on May 30, 2020, permeates their day-to-day interactions with Newark community members. Meaningful community engagement goes beyond a peaceful response to non-violent protestors; and, engagement is not sustainable if it is driven by individuals, as opposed to ingrained into NPD's culture. Just two years ago, Newark residents' responses to a Consent Decree-required survey highlighted differences along racial lines when it comes to concerns about excessive force. For example, 48% of white respondents said that they were "not at all concerned" about excessive force being used on them if they are stopped by NPD compared to only 32% of Black

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<sup>13</sup> *Id.*

<sup>14</sup> M.E. Cagnassola, *Newarkers Protected City from Outsiders Intent on Destruction at Saturday's George Floyd Protest*, TAP INTO NEWARK (June 2, 2020), <https://www.tapinto.net/towns/newark/sections/law-and-justice/articles/newarkers-protected-city-from-outsiders-intent-on-destruction-at-saturday-s-george-floyd-protest>.

respondents. Also, 36% of white respondents were “not at all concerned” about the use of excessive force on a family member, while only 19% of Black respondents reported feeling this way.<sup>15</sup>

NPD has made some progress in factoring community engagement and service-oriented policing into their regular practices. It has adopted Consent Decree-required policies on community-oriented policing and a corresponding training, and it has begun to collect data on its officers’ community contacts. Some precincts have demonstrated the ability to work successfully together with community leaders to identify and resolve safety and quality-of-life concerns through the Neighborhood Policing Plans. However, NPD has not completed all tasks crucial to effective community engagement. For example, NPD has yet to adopt a comprehensive strategy for youth engagement. The Monitoring Team remains available to assist NPD with these endeavors.

## 2. *NPD Reinforces its Use of Force Policies*

In light of ongoing nationwide and statewide discussions regarding the appropriateness of officers’ use of force, NPD’s leadership sought to ensure that officers were aware of their obligations as outlined in NPD’s revised use of force-related policies, including under what circumstances officers should use force and what level of force is appropriate in a particular situation.

To that end, on June 4 and June 9, 2020, the Director of Public Safety issued two memoranda reemphasizing NPD’s general prohibition of neck holds and guiding principles of the Use of Force policy. The June 4 memorandum reminded the Department that under NPD’s

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<sup>15</sup> For more information on the annual community surveys, please see the Monitoring Team’s Second Quarterly Report, available at <https://www.newarkpdmonitor.com/wp-content/uploads/2017/10/Monitoring-Team-Second-Quarterly-Report.pdf> and Eighth Quarterly Report, available at [https://www.newarkpdmonitor.com/wp-content/uploads/2019/08/Eighth-Quarterly-Report\\_2019.08.09.pdf](https://www.newarkpdmonitor.com/wp-content/uploads/2019/08/Eighth-Quarterly-Report_2019.08.09.pdf).

revised Use of Force policy, *General Order 18-20*, neck holds are considered deadly force and cannot be used unless circumstances dictate that deadly force is authorized. The June 9 memorandum highlighted several elements of the General Order, including: (1) de-escalating situations without use of force when possible, (2) utilizing the minimum amount of force necessary, (3) preventing or intervening when the use of force appears to be unreasonable and/or illegal, (4) ensuring that injured persons or those alleging injury including complaints of pain receive immediate medical aid, (5) notifying on-duty supervisors immediately, who must then respond to the scene, and (6) documenting all use of force.

In addition to issuing the memoranda, after the end of this reporting period, from July 8, 2020, through July 23, 2020, NPD aired short broadcasts over officers' in-car radios reminding personnel of their obligations under *General Order 18-21, Use Of Force Reporting, Investigation And Review*. The broadcasts were intended to refresh officers understanding of (i) reporting requirements in instances where force is used, (ii) officers' duty to de-escalate, and (iii) officers' duty to intervene in circumstances of unlawful uses of force by fellow officers.

NPD's efforts are timely. As members of the public increasingly turn their attention to the issues involving officers' use of force, NPD appropriately sought to ensure that its officers understand their obligations under NPD's revised policies. The Monitoring Team commends NPD's continued attention to this issue and encourages NPD to commit to similar refreshers for all of its core policies.

### 3. *Office of Violence Prevention and First Precinct*

On June 24, 2020, the City passed Ordinance 20-0665, which requires relocation of the First Precinct by December 31, 2021, so that its current location could be converted into the Office of Violence Prevention. The Office of Violence Prevention will include: (1) a museum, (2) the Office of Workforce Development, (3) the headquarters for the Anti-Violence

Initiative, and (4) a trauma center. The City intends for the reimagined building to represent its and NPD's commitment to improved community engagement. The ordinance also created the role of Violence Prevention Coordinator, who will be appointed by the Mayor and have responsibilities that will include managing policy initiatives and programs that advance the City's anti-violence initiatives.

The ordinance provides for the automatic termination of City employees who either commit acts of racism or racial discrimination or fail to intervene and report such acts to the Violence Prevention Coordinator. Employees who are terminated for violating the ordinance also will be barred from future employment with the City. Additionally, five percent of the Department of Public Safety's budget will be reallocated to fund the Office of Violence Prevention, which includes support for groups that defused tensions with the NPD during the protests following Mr. Floyd's death, which we discuss above. The Monitoring Team is pleased to report these developments.

### **C. Property and Evidence**

Although not required under the Consent Decree, NPD prepared a *Standard Operating Procedures Manual* for use by members working in the Property and Evidence Division (the "Division"). The Manual is meant to serve as written instructions to the daily operations for the officers assigned to the Division. The Manual synthesizes *General Orders 18-23* and *18-24* that outline procedures from property and evidence management to the operation of the Division, and the relevant requirements of the Consent Decree in a usable resource for the resolution of questions that arise in the daily operations of the Division. This Manual will assist NPD officers in administering their duties consistently and in accordance with best practices

After a thorough review and revision process in conjunction with NPD, on June 1, 2020, the Monitoring Team approved the *Property and Evidence Procedural Manual*. The



Monitoring Team will conduct audits of NPD's property and evidence systems in the future and will provide updates on NPD's compliance in this area in future Quarterly Reports.

### **III. NEXT QUARTER ACTIVITIES (JULY 1, 2020 – SEPTEMBER 30, 2020)**

The Monitoring Team will include the results of its *Second* Training Records audit—assessing whether NPD has “maintain[ed] complete and consistent training records for all officers” (*see* ¶ 12)—in the next (Fifteenth) Quarterly Report, covering the period from July 1 through September 30, 2020.

The Consent Decree requires the Monitor to conduct an annual survey “of the Newark community’s experience with and perceptions of NPD and public safety.” (Consent Decree ¶¶ 22-23.) During this reporting period, in May and June 2020, Suffolk University Political Research Center conducted the Monitor’s Third Probability Survey of Newark residents, consisting of asking Newark residents about, among other things, their perceptions of their own safety, the safety of their neighborhoods, and NPD’s responsiveness to their concerns. The Monitoring Team looks forward to publishing the results of the Third Probability Survey and Non-Probability Survey in its next Quarterly Report.<sup>16</sup>

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<sup>16</sup> The Probability Survey is a telephone survey conducted using statistical sampling techniques that allow the Monitoring Team to glean the perceptions of NPD policing across all Newark residents based on the results provided by a scientifically selected random sample of residents. The Non-Probability Survey of Newark residents (also known as a “street survey”) attempts to capture the experiences and perceptions of Newark residents, including those who may not have participated in the phone survey. Because the street survey was not administered using sampling techniques, the results cannot be extrapolated from the individual survey responses to the Newark community at large in the same way that the results from the Community Probability Survey can be extrapolated.

**IV. APPENDICES**

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

# **Appendix A**

**Timeline (Meetings, Milestones and Events)****Monitoring Team's Fourteenth Quarterly Report — April 1 through June 30, 2020**

<b>Date</b>	<b>Event</b>
<b>April 27, 2020</b>	The Monitoring Team releases its Eleventh and Twelfth Quarterly Reports.
<b>May 12, 2020</b>	The City of Newark releases its Eighth Status Report.
<b>May 25, 2020</b>	George Floyd is killed while in police custody in Minneapolis, MN.
<b>May 27 – June 9, 2020</b>	Suffolk University Political Research Center conducts phone interviews with 700 Newark residents as part of the Monitoring Team's Probability Community survey.
<b>May 30, 2020</b>	Newark community members protest the murder of George Floyd.
<b>June 4, 2020</b>	The Newark Public Safety Director issues a memorandum reminding the Department that under NPD's Use of Force policy, neck holds are considered deadly force and cannot be used unless circumstances dictate that deadly force is authorized.
<b>June 9, 2020</b>	The Newark Public Safety Director issues a memorandum highlighting several elements of the Use of Force policy.
<b>June 16, 2020</b>	The Monitoring Team releases its Thirteenth Quarterly Report.
<b>June 17, 2020</b>	The Newark Public Safety Director issues a memorandum informing the Department that an updated "Stop Report" was placed into the NPD Records Management System (RMS) on June 16, 2020 to satisfy the mandatory data collection requirements of the Consent Decree.
<b>June 24, 2020</b>	The City of Newark passes Ordinance 20-0665, which requires the relocation of the First Precinct by December 31, 2021.
<b>June 24, 2020</b>	Video status conference before the Honorable Madeline Cox Arleo, United States District Court Judge for the District of New Jersey.
<b>June 25, 2020</b>	The Newark Public Safety Director issues a memorandum outlining the continuation of Stop, Search and Arrest and Bias-Free Policing training.

# **Appendix B**

**Consent Decree Compliance and Implementation  
(March 30, 2016 to September 28, 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**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement<sup>1</sup></b>	<b>Status</b>	<b>Discussion</b>
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.

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<sup>1</sup> 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)**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement<sup>1</sup></b>	<b>Status</b>	<b>Discussion</b>
NPD will maintain complete and consistent training records for all officers.	¶ 12	Within two years of the Effective Date (March 30, 2018) <sup>2</sup>	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>

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<sup>2</sup> 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)**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
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.
<b>Civilian Oversight (¶ 13)</b>				
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).
<b>Community Engagement Measures and Training (¶¶ 14-21)</b>				
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**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
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**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>Investigatory Stops and Detentions (§§ 25-28)</b>				
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).
<b>Searches (§§ 29-34)</b>				
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**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>Arrests (§§ 35-42)</b>				
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.
<b>Stop, Search, and Arrest Training (§§ 43-50)</b>				
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.
<b>Stop, Search, and Arrest Data Collection and Review (§§ 51-54)</b>				
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 Fourteenth Quarterly Report, Section II(A)(1)(b).
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	

**Stops, Searches, and Arrests Continued**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
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	
<b>First Amendment Right to Observe, Object to, and Record Officer Conduct (¶¶ 55-62)</b>				
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**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
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**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>Use of Force Policy (§§ 66-70)</b>				
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.
<b>Use of Firearms (§§ 71-74)</b>				
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**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
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.
<b>Use of Force Reporting and Investigation (¶¶ 75-85)</b>				
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**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
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**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
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	
<b>Use of Force Review (¶¶ 86-89)</b>				
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**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
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.
<b>Reporting and Investigation of Serious Force Incidents (¶¶ 90-94)</b>				
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**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>Use of Force Review Board (§§ 95-102)</b>				
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**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
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)**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
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**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
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.
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**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>Complaint Process (§§ 112-120)</b>				
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**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
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).
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**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
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.
<b>Complaint Classification and Assignment of Investigative Responsibility (¶¶ 121-125)</b>				
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**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
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).
<b>Misconduct Complaint Investigation (¶¶ 126-136)</b>				
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**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</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 protocol	Non-Compliance	
<b>Parallel Administrative and Criminal Investigations of Officer Misconduct (¶¶ 137-140)</b>				
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**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>Review and Analysis of Investigations (§§ 141-143)</b>				
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	
<b>Staffing and Training Requirements (§§ 144-149)</b>				
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**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
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**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<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**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
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**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
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**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>Early Warning System (§§ 156-161)</b>				
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.
<b>Records Management System (“RMS”) (§§ 162-163)</b>				
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**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
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**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
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**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>Consent Decree Implementation Unit</b>				
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 Fourteenth Quarterly Report — April 1 through June 30, 2020**

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

<b>Audit</b>	<b>Status</b>
Community-Oriented Policing	March 6, 2020: 45-day notice is issued for first audit  June 26, 2020: First audit commences
Body-Worn Cameras	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  July 28, 2020: First audit commences
Training Records	October 15, 2019: First audit report is issued  January 16, 2020: 45-day notice is issued for second audit  May 27, 2020: Second audit commences