

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

CONSENT DECREE

Independent Monitor - Twenty-First Semiannual Report

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Independent Monitor
May 31, 2023



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TWENTY-FIRST REPORT AND FIRST SEMI-ANNUAL REPORT

(January 1, 2022 to June 30, 2022)

I. EXECUTIVE SUMMARY (JANUARY 1, 2022 – JUNE 30, 2022)¹

This is the Twenty-First Report and First Semi-Annual Report from Independent Monitor Peter C. Harvey regarding the reforms that both the City of Newark (the “City”) and Newark Police Division (“NPD”) agreed to implement as set forth in the Consent Decree between the City and the United States Department of Justice (“DOJ”). This Semi-Annual Report covers the period from January 1, 2022 to June 30, 2022. By agreement with the Parties to the Consent Decree, the Independent Monitor will no longer issue Quarterly Reports. Beginning in 2022, reports will be issued on a semi-annual basis (every six months) rather than quarterly.

In this Semi-Annual Report, the Monitoring Team discusses the extension of the Monitorship, NPD’s implementation of a revised Internal Affairs Manual, NPD’s progress on implementing new data systems, and the status of the Monitoring Team’s outcome assessments. The report also discusses the status of the following audits: (1) *first* Property and Evidence Management audit; (2) *first* Searches audit; (3) *first* Bias-Free Policing audit; and (4) *second* Use of Force audit.

II. DETAILED STATUS UPDATES

A. *First* Property and Evidence Management Audit

The Monitoring Team has completed its *first* audit of NPD’s compliance with certain provisions of the Consent Decree relating to Property and Evidence Management. Specifically, the Monitoring Team assessed whether NPD is in compliance with Consent Decree

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 June 30th, 2022.

Paragraphs 105, 110, and 111. Specifically, the Consent Decree requires NPD to ensure “that individuals are not deprived of property without due process... [and] take comprehensive efforts to prevent theft of property by officers.” Accordingly, under Consent Decree Paragraph 105 “[i]n all instances where property or evidence is seized, the responsible officer [must] immediately complete an incident report... and [must] submit the property or evidence seized to the property room before the end of tour of duty.” Paragraph 110 requires NPD to “maintain policies and procedures for the intake, storage, and release of property.” Paragraph 111 requires NPD to “conduct and document periodic audits and inspections of the property room and immediately correct any deficiencies.”

The audit covered the period from May 1, 2021 to June 30, 2021. The Monitoring Team has met with the parties to discuss the findings of the audit, and will issue the audit report in the near future.

B. *First Searches Audit*

On July 13, 2021, pursuant to Consent Decree Paragraphs 173 and 180, the Monitoring Team provided NPD with notice that the Monitoring Team would conduct its *First* audit of NPD’s practices of searches with and without a warrant.. The Monitoring Team’s Subject Matter Experts (“SMEs”) have completed their review of a randomly selected sample of relevant incidents. The Monitoring Team reviewed 200 unique event numbers, including the relevant reports and camera footage. The Monitoring Team has finalized this report and it will be summarized in a future semi-annual report.

C. *First Bias Free Policing Audit*

On December 1, 2021, pursuant to Consent Decree Paragraphs 173 and 180, the Monitoring Team provided NPD with notice that the Monitoring Team would conduct its First Bias Free Policing audit. Section VII of the Consent Decree provides: “NPD will deliver police

services that are equitable, respectful, and free of unlawful bias, in a manner that promotes broad community engagement and confidence.” This audit was intended to cover the period from July 1, 2021 up to and including November 30, 2021. Subsequent to this, NPD and the City requested that this audit be postponed. Accordingly, the Monitoring Team will conduct this audit at a future date and will provide any updates in future semi-annual reports.

D. Second Use of Force Audit

On March 2, 2022, pursuant to Consent Decree Paragraphs 173 and 180, the Monitoring Team provided NPD with notice that the Monitoring Team would conduct its Second Use of Force audit. Section VIII of the Consent Decree requires that “NPD will develop and implement policies and training directing that the use of force by NPD officers accords with the rights secured and protected by the Constitution and state and federal law.”

The Monitoring Team’s Subject Matter Experts (“SMEs”) have completed their review of a randomly selected sample of relevant incidents. The Monitoring Team has finalized this report. It was completed after this reporting period, and will be included in the next semi-annual report.

E. Upcoming Audits

On May 27, 2022, pursuant to Consent Decree Paragraphs 173 and 180, the Monitoring Team provided NPD with notice that the Monitoring Team would conduct its *First* audit of arrests with or without a warrant. Paragraphs 35 and 36 of the Consent Decree require that NPD prohibit its officers “from arresting an individual unless the officer has probable cause to do so,” or “from considering a subject’s demographic category to justify an arrest.”

The audit covers the period from October 1, 2021 through November 30, 2021 and assesses NPD’s compliance with Consent Decree Section VI (specifically, ¶¶ 35-37, 42, 51,

& 53-62); and Section XVI (specifically, ¶ 174 (a)). After this reporting period the Monitoring Team completed the *First* Arrest audit, and will cover it in the next semi-annual report.

On June 24, 2022, pursuant to Consent Decree Paragraphs 173 and 180, the Monitoring Team provided NPD with notice that the Monitoring Team would conduct its *Third* Body-worn Camera and *Second* In-Car Camera audit. This audit will cover the period from June 1, 2022 up to and including June 30, 2022. The Independent Monitoring Team will audit NPD's compliance with Section IX of the Consent Decree (specifically, ¶¶ 103 and 104(e)). This audit has been completed, and the results of this audit will be summarized in a future semi-annual report.

F. Internal Affairs Manual

The Monitoring Team has previously reported on NPD's development of an Internal Affairs Manual, which will provide a rigorous and standardized set of standard operating procedures for conducting internal investigations. *See* 18th Quarterly Report. On April 19, 2022 the final draft of the Manual was submitted to the Public Safety Director for approval. NPD informed the Monitoring Team that the Director had approved the Manual on May 5, 2022.

NPD has now fully adopted the Manual, and has begun training officers using the new manual. As of the publication of this report, the Monitoring Team had provided comments to NPD on the training materials, and is awaiting NPD's response and revised materials.

G. Extension of the Monitorship

The original five-year term of the Independent Monitor expired on July 12, 2021. As the Monitoring Team has previously reported, the COVID-19 pandemic severely hampered both the Independent Monitoring Team's ability to assess NPD's progress by conducting in-person audits, as well as NPD's ability to implement certain Consent Decree-required reforms.

(See Fourteenth Quarterly Report, September 28, 2020). Thus, NPD had not satisfied all the requirements of the Consent Decree by the end of the five-year period.

As a result, the Court entered an Order on May 12, 2022 extending the term of the Independent Monitor until October 31, 2023 (attached as **Appendix B**). The extension will allow the Monitoring Team to conduct additional audits of NPD's compliance with the Consent Decree in various areas.

The Court's May 12, 2022 Order amended other aspects of the Consent Decree. For example, the Monitoring Team will no longer conduct the surveys required by Paragraph 22-24 of the Consent Decree. Rather, NPD and the City will conduct surveys going forward. Additionally, the Monitoring Team will no longer provide NPD with technical assistance under Consent Decree Paragraph 81, now that NPD's Internal Affairs Manual has been completed.

H. Outcome Assessments

On August 26, 2022 the Independent Monitor sent a letter notifying the Parties that the Semi-Annual Report would be slightly delayed while the Monitoring Team awaited transmission to it of outcome assessment data from NPD. NPD did not provide the necessary data in time for inclusion in this report. Therefore, the Monitoring Team's Outcome Assessments will be included in future semi-annual reports.

III. APPENDICES

A. Compliance Chart

B. Order Extending the term of the Independent Monitor

APPENDIX A

**Consent Decree Compliance and Implementation
(March 30, 2016 to June 30, 2022)**

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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 Achievement ¹	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.
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	See Sixteenth Quarterly Report, Appendix C.

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.

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	Administrative Compliance	See Sixteenth Quarterly Report, Appendix C.
Civilian Oversight (¶ 13)				
The City will implement and maintain a civilian oversight entity.	¶ 13	Within 365 days of the Effective Date (March 30, 2017)	Administrative Compliance	See Fifteenth Quarterly Report, Section II(C).
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	Administrative Compliance	See Sixteenth 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	Administrative Compliance	See Eighteenth Quarterly Report, Appendix D.
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	Non-Compliance	See Eighteenth Quarterly Report, Appendix D.

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)	Non-Compliance	See Eighteenth Quarterly Report, Appendix D.
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	Non-Compliance	See Eighteenth Quarterly Report, Appendix D.
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)	Non-Compliance	See Eighteenth Quarterly Report, Appendix D.
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)	Non-Compliance	See Eighteenth Quarterly Report, Appendix D.
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)	Administrative Compliance	See Eighteenth Quarterly Report, Appendix D.

Community Engagement and Civilian Oversight (including Community Policing) Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD and the City will cooperate with the design and conduct of the Monitor's surveys by, for example, helping to organize focus groups of officers and obtaining and providing previous survey instruments and data. The reports of the baseline and annual surveys will be provided to the Court and be publicly distributed and available on the City's and NPD's websites.	¶ 24	N/A	Non-Compliance	See Eighteenth Quarterly Report, Appendix D.

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)	Administrative Compliance	See Nineteenth Quarterly Report, Appendix C.
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	Administrative Compliance	See Sixteenth Quarterly Report, Appendix 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)	Administrative Compliance	See Nineteenth Quarterly Report, Appendix C.
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 Sixteenth 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 Sixteenth 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 Nineteenth 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 modify its procedures as set out below to collect and preserve stop, search, and arrest data sufficient to determine the nature and scope of demographic disparities in stop and search practices, as well as which stop, search, and arrest practices are most effective and efficient.	¶ 51	Within two years of the Effective Date (March 30, 2018)	Initial Development	See Nineteenth Quarterly Report, Appendix C.

Stops, Searches, and Arrests Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
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 Nineteenth Quarterly Report, Appendix C. ³
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)	Initial Development	See Nineteenth Quarterly Report, Appendix C. In May 2021 NPD developed protocol for comprehensive analysis of Stop, Search, and Arrest data.
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)	Non-Compliance	See Nineteenth Quarterly Report, Appendix C.
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)	Administrative Compliance	See Nineteenth Quarterly Report, Appendix C.

³ The Monitoring Team understands that after the relevant Audit Period in the First Stop Audit, NPD implemented a revised Stop Report to collect data on all investigatory stops and searches.

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)	Administrative Compliance	See Eighteenth Quarterly Report, Appendix C.
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	Administrative Compliance	See Sixteenth 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/reviews.
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)	Administrative Compliance	See Eighteenth Quarterly Report, Appendix C.
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	Administrative Compliance	See Sixteenth 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)	Administrative Compliance	See Eighteenth Quarterly Report, Appendix C.
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)	Administrative Compliance	See Eighteenth Quarterly Report, Appendix C.
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)	Administrative Compliance	See Eighteenth Quarterly Report, Appendix C.
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)	Administrative Compliance	See Eighteenth Quarterly Report, Appendix C.
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)	Administrative Compliance	See Eighteenth Quarterly Report, Appendix C.
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)	Administrative Compliance	See Eighteenth Quarterly Report, Appendix C.

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)	Administrative Compliance	See Eighteenth Quarterly Report, Appendix C.
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)	Administrative Compliance	See Eighteenth Quarterly Report, Appendix C.
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)	Administrative Compliance	See Eighteenth Quarterly Report, Appendix C.
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)	Administrative Compliance	See Eighteenth Quarterly Report, Appendix C.
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)	Administrative Compliance	See Eighteenth Quarterly Report, Appendix C.
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)	Administrative Compliance	See Eighteenth Quarterly Report, Appendix C.

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)	Administrative Compliance	See Eighteenth Quarterly Report, Appendix C.
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)	Administrative Compliance	See Eighteenth Quarterly Report, Appendix C.
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)	Administrative Compliance	See Eighteenth Quarterly Report, Appendix C.
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)	Administrative Compliance	See Eighteenth Quarterly Report, Appendix C.

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)	Administrative Compliance	See Eighteenth Quarterly Report, Appendix C.
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)	Administrative Compliance	See Eighteenth Quarterly Report, Appendix C.
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)	Administrative Compliance	See Eighteenth Quarterly Report, Appendix C. ⁴
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	Administrative Compliance	See Eighteenth Quarterly Report, Appendix C.

⁴ NPD has created an All Force Investigation Team (“AFIT”) to address this Consent Decree requirement.

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)	Administrative Compliance ⁵	See Eighteenth Quarterly Report, Appendix C.
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	Administrative Compliance	See Eighteenth Quarterly Report, Appendix C.
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	Administrative Compliance	See Eighteenth Quarterly Report, Appendix C.
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 a future compliance audit/review.

⁵ NPD has not yet been able to implement Consent Decree Paragraph 101, which requires the Division to “include the civilian oversight entity in the review of completed SFIT investigations, as permitted by law.” That deficiency results not from any failure by NPD, but rather due to ongoing litigation brought by the Fraternal Order of Police (FOP), a Newark police union.

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

Internal Affairs: Complaint Intake and Investigation Continued

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

Internal Affairs: Complaint Intake and Investigation Continued

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

Internal Affairs: Complaint Intake and Investigation Continued

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

Internal Affairs: Complaint Intake and Investigation Continued

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

Internal Affairs: Complaint Intake and Investigation Continued

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

Internal Affairs: Complaint Intake and Investigation Continued

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

X. Compliance Reviews and Integrity Audits

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

XI. Discipline

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

XII. Data Systems Improvement

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

Data Systems Improvement Continued

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

XIII. Transparency and Oversight

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

XIV. Consent Decree Implementation and Enforcement

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

APPENDIX B

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF NEWARK,

Defendant.

HON. MADELINE C. ARLEO

Civil Action No. 16-1731 (MCA)(MAH)

~~PROPOSED~~ ORDER EXTENDING
MONITORING PERIOD

THIS MATTER HAVING BEEN BROUGHT BEFORE THE COURT pursuant to a May 6, 2022 request made by the United States and the City of Newark (the "City") (collectively, the "Parties"), asking the Court to extend the monitoring period outlined by Paragraph 206 of the Consent Decree for a period of starting from July 12, 2021, and ending on October 31, 2023; and the Parties having shown good cause as to why extending the monitoring period is reasonably necessary in order to assess and facilitate full and effective compliance with the Consent Decree;

IT IS ON THIS *22nd* day of May, 2022,

ORDERED that the application of the Parties is granted; and it is further **ORDERED** that

- (1) The monitoring period for the Consent Decree is extended for a period of approximately 27 months starting on July 12, 2021, and having a target end date of October 31, 2023 (the "Monitoring Extension Period"). During this period, the Parties agree that Independent Monitor Peter C. Harvey and members from his

monitoring team (together, the “Independent Monitoring Team” or “IMT”) shall continue to monitor the implementation efforts of the City and the Newark Police Division (“NPD”).

(2) The Independent Monitoring Team shall conduct and complete the audits listed in Exhibit A during the Monitoring Extension Period. Exhibit A is the IMT’s audit schedule showing the audits that have occurred and will occur during the Monitoring Extension Period. The Parties understand and agree that the IMT’s ability to commence and complete these audits will depend upon both the City’s and NPD’s ability to provide to the Monitor the required data and video content in a timely manner. If the IMT fails to complete, or is unable to complete the audits listed in Exhibit A during the Monitoring Extension Period, all other terms of this Order shall remain in effect until the audits are completed.

(3) The Parties and the Monitor have agreed to a cap of \$2.4 million for the Independent Monitoring Team to (a) conduct and complete the audits described in “Exhibit A,” regardless of whether the audits are completed by the target end date of the Monitoring Extension Period, and (b) conduct other work required by the Consent Decree and this Order, including, but not limited to:

- a. Scheduling meetings before audits are conducted to discuss proposed methodologies for the audits;
- b. Scheduling meetings after audits are conducted to discuss results and provide feedback and compliance recommendations to the NPD;
- c. Participating in monthly meetings with the Parties;

- d. Preparing and filing audit schedules; and,
- e. Producing semi-annual reports.

(4) The Independent Monitoring Team will continue to hold monthly meetings with the Parties during the Monitoring Extension Period to discuss the status of compliance and any issues that need to be addressed as the Parties work to ensure that the City and NPD achieve full and effective compliance with the Consent Decree.

(5) The Independent Monitoring Team will produce to the Parties and the Court every 90 days an updated audit/proposed audit schedule reflecting the status of the audits described in “Exhibit A” (both proposed and completed) through the duration of the Monitoring Extension Period, as well as the proposed timing for any uncompleted audits.

(6) The Independent Monitoring Team will continue to hold meetings with the Parties before the beginning of every audit to discuss the methodology that the IMT will use to assess compliance with specific paragraphs of the Consent Decree. If the Parties disagree with the IMT on the proposed methodology for a particular audit, they will meet and confer in an attempt to resolve the disagreement. If the Parties and the IMT are unable to agree on the proposed methodology, they will present the issue to the Court for resolution.

(7) If, during the course of an audit, the Independent Monitoring Team identifies any unexpected, non-substantive technical issues that it believes will impact a compliance recommendation, the IMT will immediately notify the Parties of

the issue, and discuss potential strategies to rectify the issue, if possible before the audit is completed.

(8) With respect to the recently completed (a) Consensual Citizen Contacts and Investigating Stops Audit, (b) Body-worn Camera Audit, (c) In-Car Camera Audit, and (d) Property Audit, and any future audit in which the Independent Monitoring Team finds that deficiencies in the reports prepared by NPD personnel preclude it from issuing a finding of full compliance, the IMT has agreed to conduct a re-audit to potentially confirm full compliance with respect to the particular audit if and when the City can describe to the IMT concrete actions it has taken subsequent to the audit to improve compliance (*e.g.*, refresher training and/or accountability measures *via* Compstat followed by internal inspections indicating improvements in compliance rates).

(9) The Independent Monitoring Team will continue to hold meetings with the Parties at the conclusion of each audit to discuss the audit's results including the percentage rate of compliance. If the IMT finds that the City is not in full compliance with the Consent Decree with respect to that particular audit, the IMT will provide specific findings concerning any technical or reporting issues, including the event/incident numbers for those events not meeting the audit criteria, and the reasoning supporting any finding that the technical or reporting issues have prevented the City from establishing full compliance with provisions of the Consent Decree. The audit report also will provide detailed recommendations as to how the City can rectify the technical and/or reporting deficiencies and establish that it is in

full compliance with that particular aspect of the Consent Decree. After meeting with the Parties and finalizing the audit, the Monitor will file the audit with the Court within 30 days.

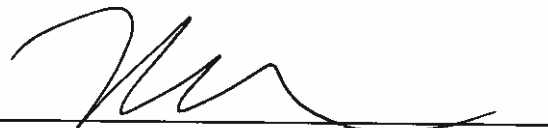
(10) The Independent Monitoring Team will produce semi-annual reports instead of quarterly reports, as originally required by Paragraph 183 of the Consent Decree. For any given six-month period, the report will be produced no later than 45 days after the end of that period. As part of these semi-annual reports, the IMT will include updates based on any completed quantitative assessments conducted pursuant to Paragraph 174 of the Consent Decree. To the extent possible, the IMT will forecast data that it anticipates collecting and analyzing in connection with any audit or assessment that will be conducted pursuant to Paragraph 174 of the Consent Decree during the following six-month period.

(11) The Independent Monitoring Team no longer will provide to NPD technical assistance under Consent Decree Paragraph 81, upon completion of the Internal Affairs Manual.

(12) The Independent Monitoring Team no longer will conduct the surveys required by Consent Decree Paragraph 23 on behalf of NPD. NPD or the City will conduct the surveys going forward.

(13) In or around April 2023, the Court will conduct a conference to hear reports on NPD's progress in implementing the reforms required by the Consent Decree and the effectiveness of the Independent Monitoring Team's efforts during the Monitoring Extension Period.

(14) Pursuant to Paragraph 224 of the Consent Decree, at the expiration of the Monitoring Extension Period, the City shall have the right to file an application with the Court to demonstrate that it is in full and effective compliance with all or part of the Consent Decree, and has maintained such compliance for at least two years, and may simultaneously request that all or part of the Consent Decree Agreement be terminated. If the Consent Decree is not terminated by the Court after the conclusion of the Monitoring Extension Period, the monitorship may be further extended with Court approval. Further extending the monitoring term will be allowed only if the Court determines that it is reasonably necessary in order to assess and facilitate full and effective compliance with the Consent Decree. Consistent with Paragraph 207 of the Consent Decree, if the monitorship is extended, then the City shall pay the Independent Monitoring Team additional compensation based upon any additional services that the Parties request.



HONORABLE MADELINE COX ARLEO
United States District Court

EXHIBIT A

Audit	Anticipated Completion Date
Consensual Citizen Contacts and Investigatory Stops (First Audit)	September 2021 (completed)
Body-Worn Cameras (Second Audit) and In-Car Cameras (First Audit)	October 2021 (completed)
Training Records (Third Audit)	November 2021 (completed)
Property (First Audit)	December 2021 (completed)
Searches With or Without a Warrant (First Audit)	May 2022
Bias-Free Policing (First Audit)	TBD
Use of Force (Second Audit)	June 2022
Arrests With or Without a Warrant (First Audit)	July 2022
Body-Worn Cameras (Third Audit) and In-Car Cameras (Second Audit)	August 2022
Consensual Citizen Contacts and Investigatory Stops (Second Audit)	October 2022
Community-Oriented Policing (Second Audit)	December 2022
Searches With or Without a Warrant (Second Audit)	March 2023
Property (Second Audit)	February 2023
Bias-Free Policing (Second Audit)	April 2023
Use of Force (Third Audit)	June 2023
Arrests With or Without a Second Audit	July 2023
Community-Oriented Policing (Third Audit)	May 2023
Consensual Citizen Contacts and Investigatory Stops (Third Audit)	September 2023
Supervisory (including All Force Investigations Team) (First Audit)	November 2022

Audit	Anticipated Completion Date
Supervisory (including All Force Investigations Team) (Second Audit)	October 2023
*Internal Affairs: Complaint Intake *Internal Affairs: Discipline	Pursuant to the Monitoring Team’s agreed-upon audit methodology, the Monitoring Team cannot begin these audits until NPD has resolved its pending litigation with police unions and has administered Internal Affairs training.
Data Systems Audit (Early Warning System and Record Management System)	There is no audit of NPD’s data systems currently scheduled.