

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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**UNITED STATES OF AMERICA,**  
Plaintiff,

**NO. 16-01731(MCA-MAH)**

vs.

**CITY OF NEWARK,**  
Defendant.

**NEWARK POLICE DIVISION  
SEVENTH STATUS REPORT**

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**INTRODUCTION**

Pursuant to *paragraph 197* of the Consent Decree entered in this matter, Defendant, the City of Newark (“City”), submits this status report to delineate the many steps taken by the Newark Police Division (“NPD,”) to implement the Consent Decree; plans to correct any issues; and responses to any concerns that have been raised by the Independent Monitor (“Monitor”).

**EXECUTIVE SUMMARY**

The NPD has made significant progress toward complying with the Consent Decree and improving overall services to the community. Below are selected highlights for the reporting period of April 28, 2019 to October 28, 2019.

1. During the reporting period, the Monitor filed the Eighth Quarterly Report on August 9, 2019, which included the Suffolk University Political Research Center Probability Community Survey Final Report and summary materials. The report sets forth the results of the Monitor’s Annual Survey of the Newark community’s experiences with and perceptions of NPD and public safety. Overall, the communities’ perception of the NPD has improved when compared to the 2017 survey results.

2. During the reporting period and in response to the Monitor's Sixth Quarterly Report filed on January 16, 2019, NPD met with community members to discuss the challenge of domestic violence as it relates to the NPD reform effort. Meetings were held in the Shani Baraka Women's Resource Center located at 300 Clinton Avenue, Newark, NJ. Members of the Newark Police Division (i.e., Special Victims Division, Consent Decree & Planning Division) Newark Anti-Violence Coalition, Shani Baraka Women's Resource Center, Unity Fellowship Church, the Ironbound Community Corporation, Newark Communities for Accountable Policing, and members from the community were present. NPD gathered feedback and implemented responses to address community concerns.

3. The NPD continues to collaborate with the IMT Subject Matter Experts ("SME") and members of the U.S. Department of Justice and the U.S. Attorney's Office to develop and draft high quality progressive police policies and training in accordance with the Consent Decree.

4. During the reporting period, the IMT conducted an audit of training records for all relevant officers in the following Consent Decree areas: (1) community-oriented policing; (2) stops, searches, and arrests; (3) use of force; and (4) in-car and body-worn cameras pursuant to Consent Decree *paragraphs 12 and 173*.

5. During the reporting period, members of the Consent Decree and Planning Division (CDPD), which serves as the Consent Decree *paragraph 196* required implementation unit, attended 128 roll calls to conduct Consent Decree compliance related training. The CDPD also held focus group discussions with NPD officers of various ranks where they had opportunities to share suggestions for community engagement, training, and improving morale.

6. NPD continued to deploy body worn cameras and in-car cameras with all supervisory and Command Staff, equipped during the reporting period. Cameras serve as useful tools for recording evidence, more importantly however; they promote professionalism, accountability, and transparency by documenting officer conduct and interactions with the public including interactions made by command rank officers, in compliance with the Consent Decree. During the reporting period, specifically the weeks of July 29, 2019 and September 2, 2019, the IMT conducted an audit of body worn camera and in-car camera use by members of the NPD. Auditors were given full access to data, videos, documents and materials in compliance with *paragraph 196*

of the Consent Decree. As of this reporting period the Monitor has yet to provide the results of the audit to NPD.

7. NPD has participated in numerous community engagements during the reporting period. Among them and most notably, “Operation Conversation: Cops and Kids” where performance, improvisation and conversation help inner-city teenagers and police officers develop a positive relationship. NPD continues to make community engagement and the building of public trust a priority.

8. During the reporting period, NPD created a committee made up of NPD officers and supervisors to develop a youth engagement strategy. Although community engagement is a daily practice in NPD, which also includes engagement with the youth at levels never seen before, NPD acknowledges that a guiding document which creates a framework for all officers, will help NPD focus its efforts and help guide future engagement with youth in a more efficient and consistent manner.

9. NPD has expanded its use of the Bar Coded Evidence Analysis Statistical Tracking (BEAST) System across all precincts, the Major Crimes Division and the Municipal Arrest Processing Section (MAPS) during the reporting period. The BEAST has helped to improve upon the documenting and tracking of property and evidence, ensuring consistent data collection, and the centralizing of information relevant to property & evidence.

10. During the reporting period, NPD has undertaken the review of disciplinary histories of NPD personnel who routinely handle valuable contraband or cash to identify any patterns or irregularities indicating potential risk of theft by officers in compliance with *paragraphs 107* and *108* of the Consent decree.

11. NPD’s commitment to transparency in its procedures and performance remains a priority. During the reporting period, transparency data has been posted and updated in compliance with Consent Decree requirements on the NPD website, and some of the data is also available on the NPD app. The change of culture envisioned by the Consent Decree cannot be completed in a matter of months, and progress is ongoing, however, a meaningful shift in the transparency data has been observed as it pertains to complaints against personnel, specifically excessive force complaints against NPD officers. There has been a **73% decrease in excessive force complaints** since 2010. This is meaningful change and evidence of a culture shift within the NPD.

## **SUFFOLK UNIVERSITY COMMUNITY SURVEY**

The Suffolk University Community Survey that was initiated by the Monitor was conducted between September 9, 2018 to September 30, 2018. The population polled was equally distributed amongst varied demographics (gender, language, age and ward). Eighty percent of the respondents were not familiar with the Consent Decree. The top two sources how the community received information about NPD was through word of mouth and social media. The number one complaint about NPD was response time and failure to help or file a report. The community report that their positive experience with NPD was with officers who were nice, polite and positive.

The results of the recent Monitor's Community Survey when compared to the 2017 survey shows significant improvements in many areas relevant to community perceptions of the Newark Police Division and its officers. This is critical as it is the best indicator of improved community satisfaction and perceptions. The areas that showed improvement are listed below:

- people have increased feelings of general safety
- less worry of being a victim of crime
- have less worry of the use of excessive force
- have decreased in feelings of being discriminated against by NPD
- have increased in usage of social media as information source
- have filed fewer complaints with NPD
- have increased satisfaction with results
- fewer residents stopped by NPD
- decrease in safety concerns during stops
- more see stops as legitimate
- less confidence that NPD handles evidence properly or tells the truth
- decrease in feeling safe when NPD is nearby

## **DOMESTIC VIOLENCE**

The Monitor's Sixth Quarterly Report filed on January 16, 2019, showed the findings were based on the investigations in 2014 and 2015, prior to the Consent Decree's implementation. Since then a new centralized location for the housing of the Special Victims Division was opened. This location is responsible for investigating domestic violence complaints and assisted domestic

violence victims. Also, NPD partners with the Shani Baraka Women's Resource Center to provide victims of domestic violence with additional resources.

The NPD has set up and participated in forums and meetings between June 2019 and September 2019 with members of the community to discuss the findings in the Monitor's report, address concerns, answer questions, and obtain feedback for a path moving forward. Acknowledging that more could be done in this area, NPD took the following steps;

- NPD collaborated with the Shani Baraka Women's Resource Center to create and distribute a new flier with resources and information for victims of Domestic Violence.
- Integrity Control Officers ("ICO") were tasked with reviewing a random selection of Domestic Violence calls for service. The ICO's reviewed reports and associated body worn camera videos. These reviews uncovered areas where training could improve NPD's response to Domestic Violence incidents.
- In July 2019, a Memorandum was issued to all NPD personnel via PowerDMS reminding officers of the proper procedures in handling of domestic violence incidents involving law enforcement officers.
- In September 2019, police radio announcements were made on all shifts reminding officers that state law mandates that an arrest be made when there is probable cause to believe that an act of Domestic Violence has occurred; the victim exhibits signs of injury; a warrant is in effect; a weapon is involved; or there is a violation of a no contact order. Additionally, officers were reminded that they are strictly prohibited from discouraging victims from filing complaints and that allegations of domestic violence shall be documented without exception by completing an Incident Report and all other applicable reports. Finally, officers were reminded that failure to take a report or make an arrest when required is a serious neglect of duty and will result in discipline.
- Members of the CDPD also conducted numerous roll call trainings to discuss the Monitor's findings; to remind officers of their responsibilities under the law, attorney general guidelines and NPD policies.
- On October 3, 2019, an In-Service Training Bulletin alert was also issued via PowerDMS alerting officers of their responsibilities as it relates to the issuance of Temporary Restraining Orders for Domestic Violence victims.

## USE OF FORCE

In regards to use of force, the Consent Decree has various paragraphs that deal with this subject, which includes but is not limited to training, reporting, investigation, and the review of use of force incidents.

The All-Force Investigations and Tracking team and the Use of Force Review Board continues to review all uses of force by NPD officers, which is not mandated by the Consent Decree. Incomplete or deficient reports and investigations are returned to the preparer for completion prior to approval. Transparency statistical information relevant to NPD officers' use of force continues to be reported via the NPD website and NPD app on a monthly basis.

On October 15<sup>th</sup>, 2019, the Federal Monitor issued a 45-Day Notice Letter (appendix B) to the Newark Police Division and the City of Newark requesting information relevant to use of force reports and investigations in preparation for the first use of force audit.

### Excessive Force Complaints (EFCs)

At the time of this report, NPD has made significant changes with respect to transparency data which has made a difference in the dispositions of complaints against personnel. In 2010, there were eighty-eight excessive force complaints filed against NPD officers. Only one complaint out of eighty-eight was sustained. In 2018, there were twenty-three excessive force complaints made against NPD officers, which is a decrease of 73% and out of the twenty-three, seven of the complaints were sustained. In 2019, there have been sixteen excessive force complaints filed as of October of 2019, seven of which were generated internally by supervisors that have reviewed use of force reports and associated body worn camera video, where the victim/arrestee made no complaint. This is meaningful change and evidence of a culture shift within the NPD. The following charts are representations of excessive force complaints and relevant costs:

### **Excessive Force Complaints (EFCs)**

<b>Year</b>	<b># of EFCs</b>	<b>Sustained</b>
<b>2010</b>	<b>88</b>	<b>1</b>
<b>2018</b>	<b>23</b>	<b>7</b>
<b>2019</b>	<b>16</b>	<b>4</b>

**Excessive Force Lawsuits**

<b>Year</b>	<b>Number of Cases Resolved</b>	<b>Total Costs</b>
<b>2010-2014</b>	<b>48</b>	<b>\$1,384,750.00</b>
<b>2014-2019</b>	<b>18</b>	<b>\$51,000.00</b>

**POLICIES**

During the reporting period and in compliance with *paragraph 5* of the Consent Decree, the following policies and procedures have been finalized and issued to members of the NPD in collaboration with members of the IMT-SME's, the U.S. Department of Justice, the U.S. Attorney's Office and the Community.

- Disciplinary Process & MATRIX went into effect on September 9, 2019.<sup>1</sup>
- Internal Affairs: Complaint Intake Policy went into effect on August 29, 2019. First Amendment Right to Observe, Object to and Record Police Activity Policy went into effect on June 12, 2019.
- LGBTQ Community and Police Interactions – This policy is not specifically cited in the Consent Decree, however the NPD continued to exhibit its commitment to community outreach with this new policy and procedure guideline for NPD officers when engaged with a member of this traditionally disenfranchised community. Policy became effective on April 4, 2019. During the reporting period NPD has collaborated with the LGBTQIA+ community stakeholder group to develop training for NPD personnel on the policy.

**TECHNOLOGY**

In response to recommendations from the Monitor and as a result of Newark's technology assessment conducted by the Gartner Group in late 2018, and to begin implementation of the NPD IT Strategic Plan and Roadmap developed by Gartner Group, NPD posted an opening for an IT Director. NPD also applied to the Bureau of Justice Assistance (BJA) National Training and Technical Assistance Center (NTTAC) to help with the cost of the IT Director, which as the filing of this report is still pending approval. NPD is reviewing applicants and conducting interviews to fill this position.

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<sup>1</sup> As of the date of this report, the Superior Officers Association has filed grievances challenging both General Orders.

## **TRAINING**

During the reporting period, NPD has taken steps to integrate new technology and leverage existing systems and technology to improve the training record retention process. The NPD has acquired computer tablets, which will be utilized to administer all Consent Decree related trainings, and associated tests. The use of the tablets to administer tests automatically creates a training entry into the PowerDMS system. NPD conducted a trial test of this electronic record keeping process with training for the Command Staff and the results showed that the information was automatically uploaded onto the PowerDMS system. By transitioning to an electronic training record, NPD has streamlined record keeping and eliminated an antiquated manual process, hence becoming more efficient and collecting data more accurately.

### **Community Policing Training**

In compliance with Consent Decree *paragraphs 10, 11, 14*, training on Community Policing for the second time began in May 2019. As of October 2019, 1134 NPD Officers were trained.

### **School Resource Officer Training**

In order to further enhance our relationship with youth in our community, strengthen our partnerships with the schools in our district, and ensure that officers have the appropriate training to handle problems and issues relevant to youth, several additional officers were recently sent to and completed an in-depth '*Safe Schools Resource Officer – School Liaison*' training (9.30.19 to 10.4.19).

### **Trauma-Informed Responses to Violence Training**

In addition to the above mentioned training, for the last (2) years, the NPD has been participating in the "Trauma-Informed Responses to Violence Training" which brings together groups of officers and civilians, and uses a Restorative Justice approach to build trust between officers and civilians.

The Trauma-Informed Responses to Violence Training is hosted by Equal Justice USA (EJUSA) focuses on pairing small groups of community members and officers to work together. It has proven to be extremely valuable in the sense that it fosters police-community engagement, better understanding, establishes better working relationships, promotes trust building, problem solving,



and the exchange of different points of view from the different perspectives of both the community and law enforcement officers.

The Trauma-Informed training is well received by community members and police officers alike. The training classes are small and the number of participants is limited, which is conducive to meaningful dialogue. Since its inception, approximately three hundred NPD officers have participated in the training. The next phase of this training has resumed on September 16,2019 and will continue through November 25,2019.

### **Roll-Call Training**

During the reporting period, members of the Consent Decree and Planning Division (“CDPD”), attended approximately one hundred and ninety-six roll calls to conduct Consent Decree compliance related training. The trainings addressed Consent Decree requirements regarding body worn camera use, stop reports, handling of property and evidence, complaints against personnel policies, and use of force related policies.

### **Stops, Searches, and Arrests**

Training on Stops, Searches and Arrests was completed during the reporting period. The NPD incorporated scenarios provided by the NJ State Attorney General’s Office, for a better and more realistic understanding of the topics. A total of one thousand one hundred and eighty NPD officers were trained.

### **Bias Free Policing Training**

In compliance with *paragraph 63*, the NPD explored different options to implement the best available training on Bias-Free Policing to its officers. In collaboration with the Monitoring Team and the Department of Justice, a renowned independent contractor Fair and Impartial Policing LLC (FIP) was selected to deliver the ‘Bias Free Policing’ training curriculum. FIP delivered the following training components to approximately 100 NPD members, which included the Public Safety Director, Chief of Police, Captains, Lieutenants, and community members:

- April 30, 2019 (1-day Mid-Manager Session)
- May 1st, 2019 (1.5-day Command Community Session)
- May 14, 15, 2019 (2-day Train the Trainer Session)

During the reporting period, NPD also engaged community stakeholders, and community youth to gather feedback for Newark specific scenarios to include in the ‘Bias Free Policing’ training.

The ‘Bias Free Policing’ training is in its final stages of completion and review and is targeted to begin in January of 2020.

The NPD has also developed a PowerPoint presentation based on the approved 'Bias Free Policing' policy, which will be delivered to all NPD personnel prior to the FIP training.

### **Internal Affairs Training & Manual**

NPD is working with the Rogers Group, which has been contracted by the U.S. Department of Justice to assist the NPD develop an Internal Affairs Investigators Training Course along with an Internal Affairs Manual. A total of ten blocks of instruction and an investigator's guidebook were received, and then reviewed and forwarded back to the Rodgers Group LLC with commentary. The completed block of instruction and guidebook were forwarded to the Monitor during the reporting period for review and approval on July 3, 2019. It was not until October 28, 2019 that NPD received feedback from the Monitoring Team on the guidebook, which will require significant revisions. Additionally, the *Monitoring Team* has reported that the *training will not be reviewed until the guidebook is finalized*.

### **CPR/Bleeding Control Training**

NPD has provided eight hours of CPR / Bleeding Control Training to over seven hundred and twenty members and supplied first aid equipment to each attendee. The training is ongoing and will be resumed once the contract is renewed with University Hospital. First Aid & CPR training is initially provided to all personnel as part of the Police Training Commission requirements for all NJ Police Officers. This enhanced training has been instrumental in better serving our community and saving lives. Although the impact of this invaluable training is not quantified there have been several incidents that we are aware of during the reporting period that merit recognition and attention:

- On July2, 2019 under NPD CC# 19-32663 PO A. Romero (5<sup>th</sup>) responded on a 'shot spotter' detection and found a female with a gunshot wound to the neck. They immediately provided aid and stopped the bleeding, saving the victim's life.
- On July23,2019 under NPD CC# 19-36800 PO C. Peterson (4<sup>th</sup>) responded to a shooting in progress and located a victim with a gunshot wound to his arm and applied a tourniquet to stop the bleeding.
- On September1, 2019 under NPD CC# 19-43903 PO J. Massenburg and F. Rodriguez (1<sup>st</sup>) responded to call for overdose, found unresponsive individual, conducted chest compressions and revived individual while waiting for EMS and supervisor with 'Narcan', individual was taken to hospital for further treatment.
- On September8,2019 under NPD CC# 19-45149 PO N. Afonso and Sgt. M. Gonzalez (4<sup>th</sup>) were dispatched to overdose, administered 'Narcan' and revived civilian who later received additional medical treatment.

- On September 17, 2019 under NPD CC# 19-46784 PO M. Sosa (4<sup>th</sup>) 9/17/19 applied a tourniquet to individual struck by gunfire. The officer's quick actions resulted in the victim surviving.

### **IMT's Training Audit**

The IMT conducted an audit of training records for the following Consent Decree areas: (1) community-oriented policing; (2) stops, searches, and arrests; (3) use of force; and (4) in-car and body-worn cameras pursuant to Consent Decree *paragraphs 12 and 173*.

**Findings:** 100% of the sample of 377 officers had complete and correct training records as compared to the records in the Master Course Files.

**Recommendations:** The audit also brought a number of recommendations including, NPD's facilities should be improved and modernized, the trainer selection process should be formalized, additional staff be acquired to assist in the migration of data into the records management system and the Training Division should implement a monthly and yearly training schedule. NPD is working to address the Monitor's recommendations.

### **BODY WORN CAMERA**

NPD developed the body-worn and in-car camera policies addressing the requirements in *paragraph 104*. The Monitor and DOJ approved these policies on March 21, 2018. Following the community policy review and demonstration of the equipment on April 26, 2018, the policies were finalized and issued to the NPD on June 8, 2018.

The NPD initially implemented a "Body-Worn and In-Car Camera Pilot Program" in the Second and Fifth Precincts. As of October 2019, body-worn cameras have been deployed in all seven Precincts and have been *issued to all NPD personnel*. Yet again, NPD goes above and beyond the requirements of the Consent Decree, which only requires issuance of BWCs to field officers and supervisors. By issuing BWCs to all NPD personnel, including those at the Command level, the NPD reaffirms its commitment to transparency and makes most interactions of police personnel and the public a matter of public record. Body-worn cameras have helped further ensure that officers conduct themselves in accordance with the standards set by the NPD, strengthening our legitimacy in the eyes of the community, and ensuring procedural justice.

Body Worn Cameras continue to be effective in assisting with the complaint investigations process. Complaints captured on BWCs in 2010 were non-existent because BWCs were non-existent in NPD. In 2018, a total of eighty-one complaints were captured by BWCs. Out of the eighty-one complaints twenty-two were exonerated, eighteen were sustained, ten were not sustained, and twenty are still pending. In 2019, year to date a total of one hundred and twelve complaints were captured on BWCs. Out of the one hundred and twelve complaints forty-four were exonerated, four were unfounded, twenty-six were sustained, sixteen were not sustained, one was administratively closed, and twenty-one are still pending.

### **CIVILIAN OVERSIGHT**

The Consent Decree and Planning Division continues to share policies and solicit feedback on training from the Civilian Complaint Review Board (CCRB), while its authority and limitations are being resolved in court. On October 21, 2019, the Supreme Court granted the Plaintiff's Petition for Certification.

### **COMMUNITY ENGAGEMENT**

NPD has participated in numerous community engagements during the reporting period. Precinct commanders regularly attend community events, in an effort to foster the partnerships established with community stakeholders such as residents, business owners, faith-based organizations, school employees, social services, community groups, etc. Precinct commanders are also tasked with ensuring that the precinct Community Service Officers (CSO), and precinct School Resource Officers (SRO) are active participants in these events, in accordance with DPS Memorandum: 18-313A (Ref. Neighborhood Policing Plans). NPD continues to make collaborative community engagement and the building of public trust a priority.

The Community Affairs and Clergy Unit in collaboration with Precinct CSO's and SRO's engage further with the community by hosting a number of events. Gang Resistance Education and Training (G.R.E.A.T.), is an evidence-based and effective gang and violence prevention program built around school-based, law enforcement officer-instructed classroom curricula. The Program is intended as an immunization against delinquency, youth violence, and gang membership for

children in the years immediately before the prime ages for introduction into gangs and delinquent behavior.

In compliance with *paragraph 18* of the Consent Decree, the CDPD continues to submit the Community Policing Quarterly Reports, which are posted to the NPD Consent Decree website, [www.npdconsentdecree.org](http://www.npdconsentdecree.org). The NPD is currently working to finalize the 2019 Third Quarter Report.

Below is the Community Engagement summary table for the 2<sup>nd</sup> Quarter of 2019 (April-June):

Precinct	Community Meetings	Goal Oriented Encounters	Special Events	Youth Engagements	Problems Identified
1 <sup>st</sup>	17	12	6	8	9
2 <sup>nd</sup>	19	11	10	14	12
3 <sup>rd</sup>	14	13	8	24	11
4 <sup>th</sup>	11	10	5	7	9
5 <sup>th</sup>	23	14	10	4	12
6 <sup>th</sup>	21	13	8	11	9
7 <sup>th</sup>	12	7	11	9	9
Totals	117	80	58	77	71

(Appendix A- NPD 2<sup>nd</sup> Quarter Community Engagement Report - Page 2)

The Newark Police Division in collaboration with the Independent Monitoring Team developed databases to track and measure the breath of community engagement and problem solving throughout the Division. The databases have been used since June of 2019, and we continue to work on ensuring that all community engagement and problem solving efforts are entered and tracked in the databases consistently by all Division members. Statistical information obtained from the databases is posted to the Consent Decree and Planning Division website ([www.npdconsentdecree.org](http://www.npdconsentdecree.org)).

### **Staffing Assessment and Re-Deployment Strategies**

In compliance with *paragraph 15*, the Urban League of Essex County assisted NPD by contracting an expert Mr. Craig Frasier, recommended by the Monitor, to conduct a staffing assessment, and make recommendations to support community policing and problem-solving initiatives. The Final Staffing Assessment Report was forwarded to the Monitor for review on or about September of 2018. In a meeting on November 29, 2018 the Monitoring Team's SME offered technical assistance in modifying the staffing assessment. Since then the Monitoring Team's SME and NPD worked collaboratively to modify the information contained in that assessment to ensure that the information needed was more comprehensive and accurate. NPD completed a revised staffing

assessment in June of 2019 and provided same to the Monitor. It was not until September 11, 2019 that NPD received a letter from the Monitor indicating that the staffing assessment has not been approved. The Monitor noted several deficiencies, including but not limited to NPD's need to conduct a city-wide precinct staffing analysis, revise the staffing factor, and the need for re-deployment decisions to meet effective community-oriented policing strategies. It is not clear to NPD how the Monitor reached his conclusions since the commanders, the police chief or the police director were not involved in any communications regarding staffing.

The NPD is committed to becoming an exemplary law enforcement agency that prioritizes community policing, and the progress that has been made demonstrates the strength of that commitment. NPD opened additional precincts in areas that have been historically disenfranchised which was not an easy task and further galvanizes the City of Newark's and NPD's commitment to support community policing and problem-solving initiatives. The addition of the two precincts is an investment that helps to decrease the geographical responsibility of each officer, increases officer presence in the community, improves response times, and promotes and helps facilitate community engagement strategies.

In accordance with *paragraph 19*, the CDPD has conducted a series of CommUnity & Cops town hall style meetings, which exist as a platform to seek and respond to input from the community about the implementation of Consent Decree mandates. During these meetings, the community is encouraged to express their opinions and concerns, and to become involved in future forums, as well as provide their input to be considered as part of the NPD policy development process. Community feedback is gathered during the forums, and any questions or concerns are addressed by the NPD and made publicly available on the NPD and Consent Decree websites.

The following Consent Decree Community Forums have taken place during this reporting period:

- A discussion on the NPD Sixth Status Report where progress the Newark Police has made in implementing Consent Decree mandates was held on Tuesday, June 18, 2019 from 6:00 p.m. to 8:30 p.m. at the Jehovah-Jireh Praise and Worship Center 505 S 15th Street Newark, NJ 07103.
- A discussion on the LGBTQ Community and Police Interactions Policy Training was held on Monday, June 24, 2019 from 6:00 p.m. to 8:00 p.m. at the Unity

Fellowship Church 23 Branford Pl Newark, NJ 07102. (Stakeholders meetings on-going).

## **PROPERTY AND EVIDENCE MANAGEMENT**

The Monitor has approved the NPD Property and Evidence Management and Property and Evidence Division policies. The Property and Evidence Management policy was effective April 22, 2019 while the Property and Evidence Division policy was effective on April 8, 2019. Temporary evidence lockers have been installed in Municipal Arrest and Processing Section (“MAPS”) which has allowed for the process of securing evidence and property at MAPS to be streamlined. Property Room personnel now monitor 38 newly installed HD cameras in and around the property facility daily to ensure security and integrity is maintained.

The BEAST software is being utilized to electronically track property and evidence. Terminals and additional licenses were installed, and training has been imparted to personnel who handle property and evidence at the Property and Evidence Division, Crime Scene Unit, Ballistics Unit, Municipal Arrest Processing Section, Special Victims Division and all Police Precincts.

As per *paragraph 110, subsection d*, of the Consent Decree, working video cameras have been installed at each precinct and the property room to monitor areas where property is handled and stored. Additionally, NPD Property and Evidence Division Command Staff have been working closely with the City Architect and City officials in designing a new secure evidence and “purpose built” property facility to meet NPD’s needs and to be compliant with NJAG Guidelines and IAPE standards.

During the reporting period, General Order 80-1 Responsibilities of Command and Supervisory Personnel was revised to implement mandates contemplated by *paragraphs 107 and 108* of the Consent Decree, regarding the disciplinary history reviews of NPD personnel who routinely handle valuable contraband or cash to identify any patterns or irregularities indicating potential risk of theft by officers. Those reviews are under way, the Major Crimes Division and the Municipal Arrest and Processing Section have been completed with the rest of the identified officers scheduled to be reviewed by January 2020.

## **TRANSPARENCY**

NPD's commitment to transparency in its procedures and performance remains a priority. During the reporting period, transparency data has been posted and updated in compliance with Consent Decree requirements.

The Department of Public Safety's (DPS) website is regularly updated and revised to make the most up-to-date information available to all members of the community. The website can be accessed online by going to: <http://npd.newarkpublicsafety.org/>

Within the DPS website, the public can also access a separate website, which was specifically designed and created by the Consent Decree & Planning Division to include all Consent Decree related activity. The site is available by clicking the tab CommUNITY & COPS, or by accessing it from any internet connected computer or mobile device by going to: <https://www.npdconsentdecree.org/>.

As the NPD continues the process of developing and revising its policies and procedures in collaboration with the Independent Monitoring Team and DOJ, the NPD continues to publish all policies on its website.

The following is transparency data is currently available on the NPD website:

1. Sworn Personnel Rules and Regulations
2. Civilian Personnel Rules and Regulations
3. ComStat related information
4. Crime Statistical Data
5. Transparency Data
  - Discipline
  - Misconduct Complaints
  - Body Worn Camera Policy and Survey
  - Use of Force Data to include; Type of Force Used, Race and Gender of the person and injuries sustained by person/s and/or officer/s, etc.



## **AUDITS, INSPECTIONS AND COMPLIANCE**

During the reporting period, the Consent Decree and Planning Division (“CDPD”) Compliance officers, conducted audits relevant to Consent Decree requirements. CDPD audits have revealed instances where NPD officers were not compliant with policy and resulted in the following disciplinary actions;

- 10 Investigations of Personnel (IOP’s)
- 65 Written Warnings
- 60 Non-Disciplinary Corrective Actions
- 35 additional instances were flagged as needing further review by the respective commander.

The following is a listing of compliance related audits, inspections, and training that were conducted during the reporting period:

- The Compliance Unit checks daily to ensure that Supervisors are conducting required BWC reviews, and furthermore review corresponding reports.
- Audit/Review of all reports approved by MAPS between July 1, 2019 to July 7, 2019
- Audit of Supervisor’s Daily BWC/ICC Reports September 8, 2019 to September 14, 2019
- Department of Public Safety (DPS) Memo. 18-539 ‘Cleanliness of MAPS & MHD’
- BWC Discrepancies Ticklers 19-206/19-2007/19-216
- BWC Video Review (IOP #2019-0101)
- DPS Memo. #19-91 Warning Notice
- BWC Compliance Field Inspections
- DPS Memo. #19-01 Integrity of BWC Videos, Ref. Inspections
- Property & Evidence Division Inspections 4-1-19, 7-5-19, 10-1-2019
- Temporary Property & Evidence Location Inspections (various locations/dates)
- Municipal Holding Division (MHD) Supervisor Audits of Reports Submitted 5/19 to 9/19
- MHD Property Room Accountability Reports (Completed every tour- A,B,C)
- MAPS Prisoner Status Reports (September 2019)
- Consent Decree Compliance Roll Call Training Sign-In Sheets June – July 2019
- Stops Audits (CDPD 19-01) April 2019, May 2019

- Random Audits on Investigations G.O. 80-1, DPS Memo. 2018-496/DPS Tickler 2018-765 (November 2018- October 2019)
- Disciplinary Process & Matrix Re. Command Staff Training Sign-In Sheets/Test Results
- Disciplinary Process & Matrix G.O. #18-26
- Communications Division/911 Call Center DPS #19-380
- ‘Complaint of Employee Misconduct’ & DPS #19-369 ‘OPS Pamphlet’ – Sign-In Sheets
- Customer Service & De-Escalation Training Ref. CD/911 Call Center Personnel
- Contraband Evidence Audits 2019
- Camera Recording Compliance Inspections 2019
- DPS Memo. #2019-486/Tickler #2019-488 Monthly Review of BWC Videos- Ref. Domestic Violence Related Assignments.
- BWC Login Training Bulletin
- DPS Memo. #19-51 Deactivation of BWC- Ref. Continuous Operation of BWC (1-25-19)- Re-Issued
- Back-End Client Error Training Bulletin
- DPS Memo. #19-412 BWC/ICC Pre-Recording Time Change (8-9-19)
- BWC General Order #18-05 Ref. Special Privacy Notes (9-11-19)
- DPS Memo. #19-277 Docking of BWC (5-21-2019)
- DPS Memo. #18-321 BWC Ref. G.O. #18-05 (10-19-2018)
- DPS Memo. #19-435 New BWC E-Mail Account Ref. Forwarding of Daily BWC/ICC Review and Inspection Reports (8-29-19)
- Office of Professional Standards Audits (4-1-2019 to 10-1-2019).
- Training Broadcasts (April-September 2019)

Additionally, the NPD contracted with an outside investigator to conduct a number of undercover integrity tests of officers. The purpose was to evaluate compliance with established policies and procedures and to evaluate the demeanor of officers when interacting with the public.

Respectfully submitted,

Kenyatta K. Stewart  
Corporation Counsel  
City of Newark

**CERTIFICATE OF SERVICE**

The undersigned certifies that the City of Newark's Status Report was filed electronically on November 15, 2019. Notice of this filing will be sent to all parties via the Court's electronic filing system. Parties may access this filing through the Court's system.

By: /s/ Avion M. Benjamin  
Avion M. Benjamin  
First Assistant Corporation Counsel  
City of Newark