

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF NEWARK,

Defendant.

NO. 16-01731(MCA-MAH)

**CITY OF NEWARK'S
SECOND STATUS REPORT**

I. INTRODUCTION

Within 180 days of the Effective Date, and every six months thereafter as long as this Agreement is in effect, the City implementation unit will produce a status report that will be filed with the Court, with a copy to the Monitor and DOJ, and shall be a public record. This report shall delineate the steps taken by NPD during the reporting period to implement this Agreement; the City's assessment of the status of its progress; plans to correct any problems; and response to any concerns raised in the Monitor's previous quarterly reports.

The "Effective Date" is defined in Section II, Paragraph 4(s) as followed: "Effective Date" means the day this Agreement is signed by the Parties and submitted to the Court for approval." The Consent Decree was approved on April 29, 2016. The Initial Status Report was submitted on October 26, 2016. This report constitutes the second Status Report, and is due on April 28, 2017.

Response:

This document is a Status Report explaining the progress the City of Newark and the Newark Police Division have made for the reporting period of October 27, 2016 to April 28, 2017 to be in compliance with the Consent Decree. This Status Report will provide an update on all the activities undertaken by the Newark Police Division (“NPD”) and the City during this reporting period.

II. CONSENT DECREE IMPLEMENTATION UNIT

The City and the NPD agree to hire and retain, or reassign current City or NPD employees to form an inter-disciplinary unit with the skills and abilities necessary to facilitate implementation of this Agreement. This unit will serve as a liaison between the Parties and the Monitor and will assist with the implementation of and compliance with this Agreement. At a minimum, this unit will coordinate the City and NPD’s compliance and implementation activities; facilitate the provision of data, documents, materials, and access to the City and NPD personnel to the Monitor and DOJ, as needed; direct all that data, documents, and records required by this Agreement and maintained in an auditable format; and assist in assigning implementation and compliance related tasks to NPD personnel, as directed by the Police Director or his designee. (Page 64, Paragraph 196)

Response:

In response to the Consent Decree, the Newark Police Division established a Consent Decree and Planning Unit (CDPU) and a Consent Decree Advisory Committee (CDAC) on July 15, 2016 to facilitate the mandates set forth therein. The CDPU and CDAC work in conjunction to gather information, prepare documentation and implement any procedure or training that is requested by the Federal Monitor.

The CDPU is responsible for implementing mandates and/or reforms of the Consent Decree in conjunction with the CDAC.

The CDAC is a group of subject matter experts from the Newark Police Division. Members of the CDPU confer with the advisory committee to assist in completing tasks relative to their area of expertise.

Since its inception, the members of the CDPU worked diligently to meet the mandates of the Consent Decree and of the Independent Federal Monitor.

The CDPU regularly receives electronic requests from the Independent Monitoring Team. During the period covered under the current Status Report (Monitor Requests 56 through 82), the following are the requests which have been received:

56. Sample of Field Training Reports and Records for New Officers
57. Training Records on the Consent Decree for Sworn Personnel
58. Training Records on the Consent Decree for Civilian Personnel

59. Description of Training Method for how Officers currently on Leave will be trained on the Consent Decree
60. Materials related to Trauma Informed Training Course
61. Materials related to In-Service Supervisory Training
62. Sign-in Sheet from Community Policing Training Conference on 12/14/16
63. IA-Pro Database Report
64. IA-Pro IA-TRACE and Performance Monitoring Program (PMP) Data
65. Cameras currently installed at NPD Facilities
66. Video Platform Inventories
67. Video Camera Footage Retention Policies or Practices
68. Documents Provided to Virginia Center for Policing Innovation for Purposes of Phase I Community and Bias-Free Policing Course Development
69. Director's Memorandum, Re: "Recusal, Conflict of Interest"
70. General Order, Re: "Social Media"
71. Revision to General Order, Re: "Re-Establishment of Integrity Control Officers"
72. General Order, Re: "Responsibilities of Command and Supervisory Personnel"
73. General Order: Re: "Integrity Testing"
74. Follow-up to Administrative Submission, Re: "Current Data/Training Needs"
75. Training Course Syllabi
76. Sample "Officer Resumes from IA-Pro"
77. Allegation-Specific and General Alerts in Early Warning System
78. New Officer Lesson Plans and Training Materials
79. Audit and Inspection Reports pertaining to Cash, Jewelry, etc.
80. Property Room Audit and Inspection Plan
81. IA/OPS Transmittal Documents
82. City Written Determinations, Re: Transfers

The following are requests (either verbal or electronic), which were not assigned a formal request number; however, were provided to the Monitoring Team:

- Department of Public Safety Memorandum, Re: Integrity Control Officers
- Department of Public Safety Memorandum, Re: Community Service Officers
- Department of Public Safety Memorandum, Re: Municipal Arrest Processing Unit
- Department of Public Safety Memorandum, Re: Calls for Service Management
- Department of Public Safety Memorandum, Re: Public Safety Academy
- NPD Citizen Information Service Flyer
- Internal Affairs Citizen Information Service Flyer
- Department of Public Safety Memorandum, Re: Creation of Transparency Unit
- Special Police Officers Training Materials

- Active Shooter Training Materials
- Reports on Property and Evidence Audits
- Community Service Officers' Personnel Order
- Public Safety Director's Script on Community Policing
- Public Safety Director's Strategic Plan
- BlueTeam Training Guide
- Internal Affairs Training Documents
- BEAST Software Manual
- De-Escalation Training Materials
- Notification of Firearms Discharge (CC#16-58780)
- Notification of Firearms Discharge (CC#16-59604)
- Notification of Firearms Discharge (CC# 17-4433)
- Notification of Arrest of NPD Personnel (CC#17-4698)
- Notification of Arrest of NPD Personnel (CC#17-7982)
- Notification of Firearms Discharge (CC#17-9711)
- Notification of Officer Indictment

The following additional Consent Decree related actions have been taken during this reporting period:

- November 14, 2016, the entire CDPU visited the New York City Police Department (NYPD) Headquarters and Police Academy, and were provided an overview of how they have implemented their Community Oriented Policing efforts.
- November 15 & 16, 2016, several members of CDPU attended the NYPD Police Academy and received additional briefing on Community Policing.
- January 4, and 5, 2017, personnel assigned to the Property and Evidence Division and several members of the CDPU, received BEAST Software Training for tracking and managing property and evidence.
- December 22, 2016, members of the Monitoring Team, U.S. Department of Justice and the City of Newark entered into a Joint Stipulation and Order to Amend the Consent Decree. This is further explained below under its own section; however, the amendment allows for additional time to complete certain requirements regarding the training dates mandated by the Consent Decree.
- January 10, 2017, Independent Federal Monitor Peter Harvey and Public Safety Director Anthony F. Ambrose, conducted a meeting regarding the functions of the Civilian Complaint Review Board (CCRB).
- January 17 to 19th, 2017, members of the CDPU visited the Seattle Police Department, and attended multiple meetings with personnel assigned to the Seattle PD Consent Decree functions.

The meetings covered their experience and implementation of the requirements of their Consent Decree. Samples of Seattle PD Policies and Procedures were obtained as a result of this visit.

- February 21, 2017, all NPD Community Service Officers attended “Community Policing Training” imparted by the Rutgers Police Department.
- February 23 and 24, 2017, all NPD Community Service Officers attended “Fair and Impartial Training” imparted by the Essex County Prosecutor’s Office.
- February 23 and 24, 2017, NPD personnel, members of the CDPU & members of the Monitoring Team attended a “BlueTeam Train the Trainer” course imparted by CI Technologies, Inc.
- April 10 and 11, 2017, members of the CDPU visited the New Orleans Police Department, and attended several meetings regarding the implementation of their Body Worn Camera program, and their overall Consent Decree experience.
- April 13, 2017, members of the CDPU and the Monitoring Team attended a “Verbal De-Escalation Train the Trainer” demonstration at NPD Headquarters, conducted by personnel from Warning Order L.L.C.
- April 18, 2017, the CDPU received the Assessment and Revision of Staffing Allocation and Personnel Deployment contract from the Urban League of Essex County, New Jersey.

III. POLICY REVIEW AND REVISION

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. **(Page 8, Paragraph 5)**

Response:

Since the establishment of the unit, members of the CDPU have been, and continue to work collaboratively with members of the Monitoring Team and the U.S. Department of Justice on revisions of existing policy, and/or drafting new policy regarding the below:

- Disposal of Property via Online Auction Policy
- Disciplinary Process & Matrix
- Revision of the Community Oriented Policing Strategic Plan
- Internal Affairs Policy
- Use of Force Policy

- AFIT Policy
- Use of Weapons Policy
- Community Oriented Policing Policy
- Property and Evidence Policy
- Prisoner Property and Inventory Policy
- Body Worn Camera Policy
- BlueTeam Policy
- Arrest Policy
- Bias-Free Policing Policy
- Investigatory Stops/Voluntary Contacts with Citizens Policy
- Search Policy
- 1st Amendment Right of Citizens to Observe, Object to, and Record Officer Conduct Policy

As members of the Monitoring Team, U.S. Department of Justice, and the CDPU identify an additional need for a new policy or revision to a current policy, it will be addressed in a collaborative and effective manner consistent with the Agreement.

IV. TRAINING

A. Within 90 days of the Operational Date, NPD will provide training to officers regarding the requirements of the Agreement, and the timeline for their implementation.
(Page 9, Paragraph 10)

Response:

The content pertaining to this topic was approved by the Monitoring Team and the USDOJ. Training commenced on September 14, 2016, and has continued since. The entire Police Division has been trained; personnel on sick or injury leave receive the training upon return to duty. Training for newly appointed personnel, is being conducted immediately upon graduation from the Police Academy.

B. Within 60 days (Amendment to the CD, dated 12/22/2016) of approval by the Monitor and DOJ of any new or revised policy or procedure that implements a requirement of this Agreement, NPD will provide appropriate training to officers. NPD will provide drafts of new or revised training plans or training curricula related to the requirements of this Agreement to the Monitor and DOJ for review and approval prior to implementation.
(Page 9, Paragraph 11)

Response:

The date mentioned within this topic was modified by the amendment to the Consent Decree, dated December 22, 2016. Currently all policy is being developed collaboratively with members of the Monitoring Team and U.S. Department of Justice.

Several policies are near completion; however, none has been completed as of this date due to multiple revisions by all involved parties.

An agreed upon schedule has been developed in conjunction with the Monitor and DOJ to start training on each policy following its approval, while allowing the prior training to conclude.

The next training to be conducted will be on the Community Oriented, and Bias-Free Policing Policies, for which the curriculum is currently under review by the Monitor and DOJ.

Once the entire Police Division is trained on one subject matter, the next training will start in an orderly fashion, in order not to deprive the community of valuable police services while the entire Police Division attends the training.

C. By July 9, 2017 (Amendment to the CD, dated 12/22/2016), and annually thereafter, the NPD will provide eight (8) hours of structured in-service training on community policing and problem-oriented policing methods and skills for all officers, including supervisors, managers and executives. (Page 10, Paragraph 14)

Response:

The Newark Police Division is currently drafting a new Community Oriented Policing General Order in collaboration with the members of the Monitoring Team and the United States Department of Justice, and has secured a contract with the Virginia Center for Policing Innovation (VCPI).

The contract was secured under a grant from the Office of Community Oriented Policing Services (COPS), to develop a curriculum for the Community Oriented policing and Bias-Free Policing training.

The training curriculum was recently provided, and is currently being reviewed by the Monitor and DOJ. Once approved, the NPD will begin the process of training the entire Police Division.

D. NPD will provide all officers with at least sixteen (16) hours of training on stops, searches, arrests, and the requirements of this Agreement by November 1, 2017, (Amendment to the CD, dated 12/22/2016), and at least an additional four (4) hours on an annual basis thereafter. (Pages 16-17, Paragraph 43)

Response:

The Arrest General Order, Investigatory Stops/Voluntary Contacts with Citizens General Order, Search Policy, and the 1st Amendment Right of Citizens to View and Record Officers Policy, are currently being drafted or revised in collaboration with the Monitoring Team and the U.S. Department of Justice. Once the policies are finalized and approved, and the training curricula is developed and approved, the training on these policies will begin. This will follow the Community Oriented and Bias-Free Policing training.

V. COMMUNITY ENGAGEMENT AND CIVILIAN OVERSIGHT

A. By July 9, 2017 (Amendment to the CD, dated 12/22/2016), NPD will assess and revise its staffing allocation and personnel deployment to support community policing and problem-solving initiatives, and will modify any deployment strategy that is incompatible with effective community-oriented policing. This assessment and modified deployment strategy will be provided to the Monitor and DOJ for review and approval.

(Page 11, Paragraph 15)

Response:

An internal assessment of personnel and their current assignment was conducted; however, in order to ensure full transparency of the process, Public Safety Director Ambrose has secured an independent entity to conduct the assessment, and make additional recommendations. Any modified deployment will be provided to the Monitor and USDOJ for review prior to implementation. At present a contract has been submitted to the City of Newark by the Urban League of Essex County, New Jersey, to provide the Assessment and Revision of Staffing Allocation and Personnel Deployment. The contract is under review and in the process of being approved.

B. NPD and the City will implement practices to seek and respond to input from the community about this Agreement's implementation. Such practices may include direct surveys, comment cards, and town hall meetings. **(Page 12, Paragraph 19)**

Response:

The City of Newark and the Monitor are currently working with the Police Institute of Rutgers University to develop direct surveys to seek input from the community regarding the implementation of this Agreement. In addition, Public Safety Director Anthony Ambrose attended two town hall meetings with Peter Harvey to inform the community and seek their feedback.

- A Meet the Monitor event was held on Monday, November 28, 2016 from 6:30 pm – 8:30 pm at St. John's Community Baptist Church, 1066 Bergen St., Newark, New Jersey 07112.
- The Independent Monitor also participated in a discussion at the New Jersey Performing Arts Center titled Moving New Jersey's Communities Forward: A Critical Conversation about Race and Policing on September 12, 2016 at 7:00 pm.

The Independent Monitor in collaboration with Monitoring Team Members from the New Jersey Institute for Social Justice, and other Newark community-based organizations hosted the following community events in March and April for residents to participate in the 2017 Monitor Survey:

- Saturday, March 4, 2017 from 12 pm – 2 pm at Training, Recreation and Education Center, located at 55 Ludlow Street Newark, NJ 07114.

- Saturday, March 11, 2017 from 12 pm – 2 pm at Bethany Baptist Church, located at 275 W Market Street Newark, NJ 07103.
- Saturday, March 18, 2017 from 12 pm – 2 pm at West Side Park Community Center, located at South 13th Street and 18th Avenue Newark, NJ 07103.
- Saturday, March 25, 2017 from 3 pm – 5 pm at Ironbound Community Corporation, located at 29 Cortland Street Newark, NJ 07105.
- Saturday, April 1, 2017 from 3 pm – 5 pm at La Casa de Don Pedro, located at 23 Broadway Newark, NJ 07104.
- On behalf of the Independent Monitor, Monitoring Team Members from The New Jersey Institute for Social Justice hosted a community forum at La Casa de Don Pedro, located at 23 Broadway Newark, NJ 07104, on March 28, 2017 from 6:30 pm – 8 pm to discuss the Monitoring Team’s First-Year Monitoring Plan.

C. Within 365 days of the Operational Date, the City shall implement and maintain a civilian oversight entity. The duties and responsibilities of that entity shall, at a minimum, include the substantive and independent review of internal investigations and the procedures for resolution of civilian complaints; monitoring trends in complaints, findings of misconduct, and the imposition of discipline; and reviewing and recommending changes to NPD’s policies and practices, including, but not limited to, those regarding use of force, stop, search, and arrest. The Monitor will evaluate and report on the City’s implementation and maintenance of this civilian oversight entity to determine if it is helping to achieve the goals of this Agreement. This decree shall not be deemed to confer on the civilian oversight entity any powers beyond those permitted by law, including by civil service rules and collective bargaining agreement. **(Page 10, Paragraph 13)**

Response:

On April 30, 2015, the City of Newark issued an Executive Order, MEO-15-0005, establishing a Civilian Complaint Review Board. The City passed City Ordinance 16-0276, which sets forth the duties and responsibilities of the Civilian Complaint Review Board. On November 2, 2016, the Fraternal Order of Police (FOP), requested a Preliminary Injunction under Docket Number: ESX-C-177-16, in front of the Honorable Thomas Moore, State of New Jersey Superior Court Judge, with the purpose to limit and/or stop the Civilian Complaint Review Board from performing their assigned functions as mandated by the Consent Decree and the City of Newark. The case is currently pending resolution, which the City of Newark Law Department is contesting, and there is a status conference scheduled on May 8, 2017.

VI. STOPS, SEARCHES, AND ARRESTS

A. NPD will prohibit officers from conducting investigatory stops or detentions, when they lack reasonable suspicion that the person has been, is, or is about to be engaged in the commission of a crime. **(Page 13, Paragraph 25)**

B. NPD will prohibit officers from considering any demographic category in determining whether to conduct a search or to seek a search warrant, except that officers may rely on a demographic category in a specific suspect description, where the description is from a trustworthy source that is relevant to the locality and time. **(Pages 14-15, Paragraph 29)**

C. NPD will prohibit officers from arresting an individual unless the officer has probable cause to do so, and from relying on information they know to be materially false or incorrect when effecting an arrest. **(Page 15, Paragraph 35)**

Responses:

Currently members of the CDPU are working collaboratively with members of the Monitoring Team and U.S. Department of Justice to draft new, or revise existing policy regarding the below:

- Arrest Policy
- Bias-Free Policing Policy
- Investigatory Stops/Voluntary Contacts with Citizens Policy
- Search Policy
- 1st Amendment Right of Citizens to Observe, Object to, and Record Officer Conduct Policy

Once the policies are completed, reviewed and approved by the Monitor and DOJ, training will be developed on the policies. The training is also subject to review and approval by the Monitor and DOJ prior to implementation.

VII. USE OF FORCE

A. NPD will develop and implement a use of force policy or set of policies that comply with applicable law and requirements of this Agreement, including the Use of Force principles set out above. The comprehensive use of force policy or policies will comprise all force techniques, technologies, and weapons that are available to NPD officers, including standard-issue weapons that are made available to all officers and weapons that are made available only to specialized units. **(Page 24, Paragraph 66)**

Response:

Members of the CDPU are currently working collaboratively with members of the Monitoring Team and the U.S. Department of Justice in drafting new, or revising existing policies regarding the following:

- Use of Force Policy
- Use of Weapons Policy
- All Force Investigation Team (AFIT) Policy

B. The UFRB will include the Chief of Police or the Chief's designee (who will chair the UFRB); supervisors from the Training Section; one representative from each involved precinct, selected by each precinct captain; and a representative from the OPS. The UFRB may consult with any subject matter experts the UFRB feels would be helpful in reviewing particular incidents and other advisors as necessary. **(Page 37, Paragraph 96)**

Response:

The Risk Analysis Review Board was established, and their responsibilities were delineated under General Order 17-02, Re: Risk Analysis Review. The board meets several times a month to review incidents where force has been used, in addition to police involved motor vehicle accidents, and vehicular pursuits. Representatives of the board include:

- Office of the Public Safety Director (designee)
- Office of The Chief of Police (designee)
- Operations Bureau Deputy Chief (designee)
- Office of Transparency & Risk Analysis Management Commander (**Chairperson**)
- Office of Professional Standards Commander or Executive Officer
- Advocate Office representative
- 1st - 5th Police Precinct Commanders or Executive Officers
- Communications Division / 911 Call Center Commander or Executive Officer
- Major Crimes Division Commander or Executive Officer
- Training Division Commander or Executive Officer
- Office of Transparency & Risk Analysis Management designee.

C. The Use of Force Review Board, (Risk Analysis Review Board) through its Chairperson is obligated to ensure a referral to OPS if potential misconduct is discovered in the review process. Should policy, equipment, or training deficiencies be noted in the review process, the Use of Force Review Board (Risk Analysis Review Board) Chairperson will ensure that they are brought to the attention of the relevant commanding officer for appropriate action, and final recommendation will be made to the Public Safety Director. **(Page 37, Paragraph 102)**

Response:

The Risk Analysis Review Board and their responsibilities are established in General Order 17-02, Re: Risk Analysis Review. The Commander of the Office of Transparency and Risk Analysis Management is the designated Chairperson of the board and prepares a summary report for the board, which includes the following regarding the Use of Force:

- Summary of each Use of Force report reviewed
- All relevant reports and information, including audio and video recordings
- Summary of any procedures violated
- Recommendation for corrective action
- Any incident that was directed to the Office of Professional Standards for further investigation

The Chairperson makes recommendations to the Public Safety Director following the board's review.

VIII. IN-CAR AND BODY-WORN CAMERAS

In conjunction with the Monitor and DOJ, NPD will develop and implement policy regarding body-worn camera video and audio recording that will address issues including use, retention, privacy issues, the use of recordings as evidence in force and complaint reviews, and the use of recordings for other criminal justice purposes (such as evidence in prosecutions).

At a minimum, NPD's body-worn camera policy will:

- Clearly state which officers are required to use body-worn cameras and under which circumstances;
- Specify the location(s) on the body where the camera should be worn;
- Require officers to activate their cameras when responding to calls for service and during all law enforcement-related encounters and activities, with appropriate exceptions (e.g., interviews with crime victims) that occur while on duty, and to continue recording until the conclusion of the incident(s) or encounter(s);
- Require officers to articulate in writing or on camera their reasons for failing to record an activity that NPD policy otherwise requires to be recorded;
- Require officers to inform subjects that they are being recorded unless doing so would be unsafe, impractical, or impossible;
- Establish a download and retention protocol;
- Permit officers to review video of incidents in which they were involved;
- Require periodic random review of officers' videos; and
- Require supervisors to review videos of incidents involving use of force and consent searches. **(Page 38, Paragraph 104)**

Response:

The NPD drafted a body-worn camera policy addressing the requirements in paragraph 104. This policy was available for the public to view on the police division's website. Rutgers University, collectively with the Newark Police Division, authored a survey for the purpose of compiling community feedback on the aforementioned policy. An electronic version of this survey was available on the division's website and members of the community were able to complete and submit the form on-line.

Community Service Officers and the Community Affairs Division also distributed copies of the survey, policy at businesses, community meetings and local events. Rutgers University is in the process of assessing data collected from the surveys. Once an assessment report is completed by Rutgers University, the NPD will determine if any of the data and/or recommendations can be considered for our policy.

The NPD will be piloting Panasonic's brand new Arbitrator body-worn camera and their established Arbitrator in-car dashboard camera. The pilot program will begin in the 5th Precinct, and consist of a small group of officers to evaluate both cameras. The following is a list of NPD organizational components that were trained in the Arbitrator software:

- Office of Professional Standards
- Legal Affairs
- Compliance Unit
- Risk Analysis and Transparency Unit
- Technology Division
- 5th Precinct Executive Officer
- 5th Precinct Integrity Control Officer
- 5th Precinct Detective Unit Supervisor

Personnel from the 5th Precinct were trained on New Jersey Attorney General Directive: 2015-1, Re: Body Worn Cameras and Stored Recordings, during the month of February 2017. This directive governs the use of body-worn cameras for the State of New Jersey.

Officers that will be participating in the body-worn camera pilot program are in the process of training to learn how to use the Panasonic Arbitrator body-worn, in-car dashboard camera and software. Upon completion of this training a small pilot program will begin.

VIII. THEFT

A. 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.
(Page 40, Paragraph 107)

B. NPD will maintain policies and procedures for the intake, storage, and release of property. **(Page 40, Paragraph 110)**

C. NPD will conduct and document periodic audits and inspections of the property room and immediately correct deficiencies. (Page 41, Paragraph 111)

Responses:

On December 8, 2016, a review of the disciplinary histories of all personnel assigned to the Property and Procurement Division was conducted in the presence of the Compliance Unit.

On February 20, 2017, additional personnel were assigned to the Property and Procurement Division, a review of their disciplinary histories was conducted by the Compliance Unit.

CDPU personnel are currently working with the members of the Monitoring Team and U.S. Department of Justice on development of new policies and revision of existing policy regarding the following:

- Property and Evidence Management Policy
- Custody and Inventory of Prisoner's Personal Property Policy

In addition, all personnel assigned to the Property and Procurement Division have received training on the BEAST Software, which is a type of software utilized to properly, securely, and efficiently manage the intake, storage and release of property.

During initial inspections by the members of the Independent Monitoring Team, the building where the Newark Police Division's Property and Procurement Division is located at 104 Arlington Street, was found to have multiple deficiencies.

The following actions were taken to correct the identified deficiencies, enhance the security measures, and provide for a more efficient overall function of the facility:

- Conducted a cleanup of the outer perimeter by cutting and removing the overgrown vegetation that surrounded the building, which prevented security measures to be implemented.
- Installed security cameras on the outside perimeter of the building, which provide a live feed to the Communications Division / 911 Call Center, and the Real Time Crime Center (RTCC) for redundancy purposes.
- In the process of installing interior security cameras, which will provide a live feed to the Communications Division / 911 Call Center, and the Real Time Crime Center (RTCC) for redundancy viewing purposes.
- Installed new and larger signs on all sides of the building, which are clearly visible to pedestrian traffic and warn potential intruders of surveillance.
- Installed an additional outer perimeter security fence.
- Installed several interior security fences, separating and securing sensitive areas within the building.
- Separated the Evidence area from the Division Supply area.
- In the process of purchasing/installing several identification card swipe locks in the interior, which are computer logged and will ensure restricted access to sensitive areas.

- Repaired several areas of the roof that were exposed to the elements, allowing moisture to penetrate the interior of the building.
- Installed two (2) new Refrigerated Units (Cryo-Units)
- Repaired one (1) older Refrigerated Unit.
- Destroyed 168 Firearms (no longer needed for evidence) / 335 additional Firearms pending destruction approval by the County Prosecutor's Office.
- Discarded two (2) full dumpsters of found/unclaimed property.
- Repurposed numerous unclaimed tools for use by the Emergency Services Unit.
- Conducted multiple audits of property.
- In the process of conducting an extensive cleaning and reorganization of the interior areas of the building.

IX. COMPLAINT INTAKE AND INVESTIGATION

A. Within 365 days of the Operational Date, 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.
(Page 41, Paragraph 112)

B. The City and NPD will make forms and other materials outlining the complaint process and OPS contact information available on their websites and at appropriate government properties, such as NPD Headquarters and precincts, City Hall, and Public Libraries.
(Page 41, Paragraph 113)

Responses:

In December of 2016, the NPD revised the Office of Professional Standards' (OPS) Informational Flyer, and the NPD Citizen Informational Flyer, and provided the same to all police personnel to be handed out to citizens that they come in contact with, request such information, or can benefit from it. The OPS flyers contain information on how to make a complaint, and the address and telephone number of the Office of Professional Standards. However, the flyers were only completed in the English language, and translation into the Spanish and Portuguese languages is still pending. Once the translation is completed, the flyers will be distributed to all Police Facilities, City Hall, and our Public Libraries.

Posters were made informing citizens of how and where a misconduct complaint can be made; they are pending translation into the Spanish and Portuguese languages, and subsequent approval by the Monitor and DOJ. Once that is completed, they will be posted conspicuously at every of the above described facilities.

The website for the Department of Public Safety has been updated to include current information on how citizens can file misconduct complaints. The website for the City of Newark provides a link to the Department of Public Safety's website.

A Mobile Application is being developed, and will soon be launched; where in addition to obtaining important information, citizens will be able to file misconduct complaints.

C. NPD will maintain a centralized numbering and tracking system for all misconduct complaints. NPD will promptly assign a unique identifier upon receipt of a complaint, which will be provided to the complainant at the time the complaint is made.

(Page 43, Paragraph 125)

Response:

IA-Pro is a software currently utilized by the Office of Professional Standards, among other things to track and analyze internal and external misconduct complaints. This system has been in use for approximately ten years.

The Police Division has recently purchased a software enhancement to IA-Pro, called "BlueTeam". This software will allow for a more efficient and effective way of entering, and tracking misconduct complaints; it will also have the capability to assign a unique identifier which will be provided to the complainant upon receipt of a misconduct complaint.

A "Train the Trainer" session on the BlueTeam software was provided to members of the Division and the Monitoring Team by representatives from CIT, Inc. The Police Division is currently training all personnel on the use of the software; once that is completed, the software and changes to policy and procedure regarding its use will be implemented.

X. DISCIPLINE

Within 90 days of the Effective Date, NPD will implement disciplinary guidance disciplinary guidance that:

- Establishes a presumptive range of discipline for each type of violation;
- Increases the presumptive discipline based on an officer's prior violations of the same or other rules;
- Sets out defined mitigating or aggravating factors;
- Requires that any departure from the presumptive range of discipline must be justified in writing;
- Prohibits taking only non-disciplinary corrective actions when the disciplinary matrix calls for the imposition of formal discipline; and
- Provides that NPD will consider whether additional non-disciplinary corrective action may be appropriate in a case where discipline is also imposed.

(Page 50, Paragraph 153)

Response:

A Disciplinary Process and Matrix was developed. The document which is the result of a collaborative effort with the Monitoring Team, is undergoing revisions by all parties, and is near completion.

Once the document is approved by the Monitor and DOJ, NPD personnel will have to receive training on it (subject to review and approval), before its implementation.

XI. DATA SYSTEMS IMPROVEMENT

Within one year of the Effective Date, and consistent with applicable law and best practices, NPD will enhance its Early Warning System (EWS) to support the effective supervision and management of NPD officers. NPD will use the EWS to promote constitutional policing and professional police practices. The EWS will use a relational database to track and analyze information regarding the activities of all NPD personnel. The City will provide NPD with sufficient funding levels to implement and maintain the EWS, including its ongoing hardware and support requirements.

(Page 51, Paragraph 156)

Response:

The NPD utilizes an Early Warning System called IA-Pro, to track and analyze information regarding the activities of all personnel. This system has been in use for approximately ten years. The Police Division has recently purchased a software enhancement to IA-Pro called BlueTeam. This software will allow an incident to be managed from the field and ensures consistency of data. Other Consent Decree police agencies, e.g. Seattle Police Department, are utilizing BlueTeam with approval of their Independent Monitors.

A “Train the Trainer” session on the BlueTeam software was provided to members of the Division and the Monitoring Team by representatives from CIT, Inc. The Police Division is currently training all personnel on the use of the software; once that is completed, the software and changes to policy and procedure regarding the use will be implemented.

XII. TRANSPARENCY AND OVERSIGHT

To the extent permissible by law, including civil service rules and collective bargaining agreements, NPD will make its policies publicly available, and will regularly report information regarding officer use of force; misconduct complaints; and stop/search/arrest data. Where NPD seeks to withhold a policy from the public, it will confer with DOJ and the Monitor to determine whether the particular policy, or any part of it, should be withheld from publication. **(Page 53, Paragraph 164)**

Response:

The Department of Public Safety’s website is constantly updated and revised to maintain the most up-to-date information available to all members of the community. As the NPD continues the process of developing and revising all its policies and procedures in collaboration with the Monitoring Team and the U.S. Department of Justice, the NPD will publish all policies once they are completed, reviewed, approved, and implemented.

The following is additional data currently available on the 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
 - Type of Force Used
 - Race of the person
 - Gender of the person
 - Injuries sustained by person/s and/or officer/s
6. Consent Decree
- First Year Monitoring Plan
 - Link to Independent Federal Monitor website

JOINT STIPULATION AND ORDER TO AMMEND THE CONSENT DECREE

On December 22, 2016, the United States Department of Justice and the City of Newark entered into an agreement before United States District Court Judge Madeline Cox Arleo to amend some of the dates within the Consent Decree regarding the training timelines.

Prior to entering into the agreement to amend the dates, it had been agreed upon by the parties and Judge Arleo, that the proposed dates for accomplishing the training had been a bit ambitious, if not unreasonable; given the logistics involved, complexity of developing training material, and overall amount of training to be imparted.

In addition to that, the number of personnel who would have to receive the training in a very short period of time, including several areas where training on various subjects would overlap, made compliance with the proposed dates extremely difficult.

This decision was made after thoughtful consideration, and taking into account the impact this would have on the police services provided to the citizens of Newark, due to police personnel being taken off of patrol assignments to attend training.

As a result of the amendment, the agreement provided for the following:

- Sixty (60) days, instead of thirty (30) days, for the Newark Police Division to train its personnel once the Monitor and the Department of Justice have approved any new or revised policy.
- Eight (8) hours of comprehensive and interdisciplinary training on Bias-Free Policing, including Implicit Bias, Procedural Justice, and Police Legitimacy, to be conducted by July 1, 2017.
- Eight (8) hours of training on Community Policing, and Problem-Oriented Policing Methods, to be conducted by July 9, 2017.
- The Assessment and Revision of Staffing Allocation and Personnel Deployment to be conducted by July 9, 2017.

- Modification or Development of written or electronic report format to collect data on all investigatory stops and searches, to be completed by September 9, 2017.
- Sixteen (16) hours of training on Stops, Searches, and Arrests, to be conducted by November 1, 2017.

STRATEGIC PLAN

A Strategic Plan was created to outline the vision of the NPD in the coming years to achieve the objects of the Consent Decree and build upon our community policing effort. This document provides an overview of the City of Newark including population and the history of the city.

There are multiple topics that detail the method in which the Newark Police Division intends to achieve the objectives. These objectives will provide the people of Newark with professional service, and make the citizens join with the Police Division in addressing crime and the needs of the community.

Public Safety Director Anthony F. Ambrose created a video outlining the Strategic Plan and his vision for the Newark Police Division. This video was integrated in the Consent Decree Training PowerPoint presentation which all members of the Division are required to receive.

The Community Oriented Policing General Order, as well as the training curriculums for Community Oriented Policing and Bias-Free Policing, which are currently near completion, will be based on the Strategic Plan.

The plan will also be made available to members of the Community, so they can discuss and provide their input, in addition to being made public on the Newark Police Division website once finalized.

MUNICIPAL ARREST PROCESSING SECTION

On Friday, April 14, 2017, the Prisoner Processing Division at 31 Green Street, better known as the “Cell Block”, finally closed its doors. After many years of deplorable, and often unsanitary conditions, the facility closed its doors to open a new chapter of Community / Police relations, and offer a safer environment, and new and improved services to those members of the community who must temporarily be detained and housed by the police, due to pending allegations of criminal activity.

All individuals in temporary police custody are now detained at the Municipal Arrest Processing Section (MAPS), a state of the art facility located in the same building as Police Headquarters at 480 Clinton Avenue.

Respectfully Submitted,
KENYATTA STEWART
ACTING CORPORATION COUNSEL
CITY OF NEWARK

CERTIFICATE OF SERVICE

The undersigned certifies that the City of Newark's Initial Status Report was filed electronically on April 28, 2017. 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