

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

CONSENT DECREE

Independent Monitor - Tenth Quarterly Report

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Independent Monitor
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**TENTH QUARTERLY REPORT
(APRIL 1, 2019 to JUNE 30, 2019)**

This is Independent Monitor Peter C. Harvey’s Tenth Quarterly Report, which comments on the City of Newark’s (the “City”) and Newark Police Division’s (“NPD”) progress with Consent Decree reforms during the period from April 1, 2019 to June 30, 2019.¹

Appendix A provides a list of this quarter’s key Consent Decree events.

Appendix B is the Monitoring Team’s Compliance Chart, which shows NPD’s progress with every Consent Decree requirement through the publication of this Quarterly Report.

Appendix C provides the status of NPD’s Consent Decree-related trainings.

Appendix D provides the status of all of NPD’s new or revised Consent Decree policies (“General Orders”).

Appendix E is the Monitoring Team’s Training Records Review Report, which captures the results of the Independent Monitor’s first audit of NPD’s training records.

I. DETAILED STATUS UPDATES

In this Quarterly Report, the Monitoring Team is pleased to provide a detailed update on NPD’s property and evidence management procedures. In the Tenth Quarter, and more recently, the Monitoring Team toured NPD’s property management facilities and found that substantial progress has been made since the Monitoring Team’s first inspection, which is reflected in the First Quarterly Report. In this report, the Monitoring team also details the results of its first training records audit and reports on NPD’s internal stop report audit.

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 30, 2019. For a more detailed introduction to the Independent Monitoring Team, the Consent Decree, and the Parties to the Consent Decree, please see the Monitoring Team’s website: <https://www.newarkpdmonitor.com/>.

A. Property and Evidence Management

Section X of the Consent Decree requires NPD to take “comprehensive efforts to prevent theft of property by officers.” These efforts include “maintaining policies and procedures for the intake, storage, and release of property.” (*See* Consent Decree ¶ 110.) NPD is also required to conduct periodic audits of its property room. (*See* Consent Decree ¶ 111.) NPD’s property and evidence management practices are critical components of the Consent Decree’s reforms. The way in which NPD officers handle and respect civilians’ personal property directly impacts Newark’s residents and is an important consideration in residents’ perception of the NPD. Moreover, NPD’s property procedures and practices are a direct reflection of its ability to implement new technology, train officers effectively, and adhere to written policies.

The Monitoring Team is pleased to report that NPD has made substantial progress in this area. As of the publication of this report, NPD has streamlined its property and evidence policies so that they are better organized, easier to understand, and up to modern property management standards. NPD also has decluttered, reorganized, and enhanced security in its property storage facilities. Further, it has fully implemented an electronic property management system. Still, there is room for improvement. NPD’s Property Division remains limited by its antiquated property room. Given the present condition of the building in which NPD keeps property and evidence, the Monitoring Team believes that full Consent Decree compliance will be difficult for NPD to achieve without a new facility.

1. Property and Evidence Policies

Between March 2018 and June 2018, NPD worked with the Monitoring Team to develop three new policies that combined and streamlined multiple policies that previously governed NPD’s property and evidence management. These three new policies—all of which

NPD put into effect during this reporting period—created a management system for the intake and handling of evidence, prisoner property and found property.

First, *General Order 18-23, Property and Evidence Management*, outlines the process and system by which prisoner property, found property, and evidence is taken in and stored. Second, *General Order 18-24, Property and Evidence Division*, establishes the requirements of NPD’s Property Division, which is responsible for managing this system. *General Order 16-04, Municipal Arrest Processing Section*, outlines how prisoner property is taken in, handled, and released at the Municipal Arrest Processing Section (“MAPS”).

Together, these policies provide clear guidance to NPD officers concerning how to document, package, and store personal property and evidence. The new policies were disseminated to all command personnel. Shortly before the publication of this report, NPD informed the Monitoring Team that it disseminated training on General Order 18-23 *via* NPD’s electronic communications system on May 23, 2019, and that training of all personnel was completed on June 22, 2019. The Monitoring Team was not made aware of this training during its development or implementation, and did not approve the training. As of January 6, 2020, the Monitoring Team has received the training and is reviewing it.

NPD is in the process of developing a standard operating procedures manual for everyday use by members of the Property Division. On December 5, 2019, NPD provided a draft of the manual to the Monitoring Team. As of the publication of this report, the Monitoring Team is reviewing the manual and plans to work with NPD to finalize it.

2. NPD’s Property Storage Facilities

NPD takes in and stores property at multiple locations. Its main property room, located in downtown Newark, houses evidence, large personal property, found items, and contraband. Each precinct also has its own, smaller property room, which is used to temporarily

secure and store found property and prisoner property obtained in connection with bench warrants. Finally, MAPS stores all other non-bulk prisoner property while a prisoner is in NPD custody.

During this reporting period, in May 2019, the Monitoring Team toured NPD's main property room. After the close of this reporting period, on September 17, 2019, members of the Monitoring Team inspected NPD's precinct property rooms and storage facilities maintained by MAPS and NPD specialized units.

Neither the September 17 inspection nor the Monitoring Team's visit to the property room constituted "audits" as that term is used in the Consent Decree. Rather, these were *informal* visits made for the purpose of verifying NPD's progress in implementing basic property management controls and for anecdotal reporting to the Court, the Parties, and the Newark community. Formal audits of NPD's property and evidence systems are forthcoming.

Overall, the Monitoring Team's review and inspection of NPD facilities revealed that NPD has substantially improved the security of each of these facilities since the beginning of the Monitorship.

a. Main Property Room

In 2016, the Monitoring Team toured NPD's main property room and noted many areas of concern. (*See* First Quarterly Report § V.C.2.) At the time, the Monitoring Team observed that the property room had: (i) inadequate access and control features; (ii) poor lighting; (iii) no climate control; (iv) lack of electricity on some floors; (v) insufficient interior and exterior cameras; (vi) a disorganized storage system; and (vii) a decrepit building structure. Additionally, overgrown vegetation surrounded the building. There was evidence that unknown civilians had broken into the property room through holes in the cinderblock walls. The building had flooded. Parts of the structure had been condemned, and remain condemned to this day.

Nearly three years later, in May 2019, the Monitoring Team toured the property room for a second time to verify NPD's progress in implementing basic property management controls. Since the Monitoring Team's first tour in 2016, the Property Division Captain, NPD leadership, and members of the Property Division have made significant progress in improving property and evidence operations in this facility.

The security of the interior of the property room has been substantially improved. For example, in the past there was no restriction of access to the property room and internal storage areas were not locked. Now, access has been restricted to authorized personnel within the Property Division. To access the property room, officers must pass through two gates using a specially authorized electronic key card. Additionally, all of the rooms containing property in the facility are padlocked, and all of the windows in the building are intact and unbroken. Members of the Property Division installed new or additional lighting on multiple floors that previously had either no or inadequate lighting.

NPD also has improved surveillance in the property room. Since the Monitoring Team's first tour, the Property Division has installed outside perimeter and interior cameras. The Captain of the Property Division is able now to view—from his office—video of the facility using the 25 high-definition interior cameras, that are equipped with motion detectors. The Captain can review any videos that are flagged as detecting suspicious movement. These cameras cover hallways, corridors, stairwells, and critical storage areas containing valuables, narcotics, and firearms.

At the time of the Monitoring Team's 2019 inspection, the exterior camera feeds were not accessible by the Property Division, and were only available to one person located at NPD headquarters. NPD has informed the Monitoring Team that as of the publication of this

report, both interior and exterior camera footage is available to the Property Division, and exterior cameras are monitored remotely when the Property Room is closed.

The security of the exterior of the property room has been improved, but some work remains to be done. NPD repaired damaged fencing and installed new high-powered LED flood lights around the exterior of the building. While the shrubbery, trees, and other brush surrounding the building were trimmed after the Monitoring Team's first property room inspection in 2016, the area is overgrown again. The Monitoring Team encourages NPD and the City to determine which City department or agency has the responsibility for maintaining the exterior of the property room and devote the resources necessary to resolve this security issue. As of the publication of this report, NPD has informed the Monitoring Team that the Department of Public Works, Division of Parks and Grounds, will monitor the Property Room every two weeks for high weeds and vegetation.

NPD also has made important changes to the way evidence and property are stored within the Property Division. NPD established a dedicated narcotics room that is well-organized and secure. NPD uses the Bar Coded Evidence Analysis Statistics and Tracking (*BEAST*) electronic records management system to catalogue this evidence, which is organized chronologically based on date of intake within the narcotics room. The Property Division is working to clear a backlog of old narcotics evidence from the building. This process is ongoing, but has been effective. The Monitoring Team estimates that there is space in the narcotics room for an additional five years' worth of evidence.

NPD also established a new storage room dedicated to firearms. Sorted in moving library-style shelving units, neat boxes of firearms are catalogued by year of intake and labeled in the *BEAST* system by date and contents. Over 11,000 firearms are currently housed

here. The Monitoring Team estimates that there is space for six to seven years' worth of additional firearms storage.

As the Monitoring Team has described in past reports, a full inventory of the property room is ongoing, but will take years to complete. Meanwhile, NPD continues to purge old and outdated evidence. The Monitoring Team understands that seven decades of files were also removed to the city archive for long-term storage.

b. Precinct Property Rooms, MAPS, and Specialized Units

Subsequent to this monitoring period, on September 17, 2019, members of the Monitoring Team toured eight additional locations where property is taken in and stored until picked up by members of the Property Division: MAPS, the First, Fourth, and Fifth Precincts, and NPD's Crime Scene, Major Crimes, and Robbery units. The Monitoring Team focused its examination on five components: (1) security, (2) access control, (3) record keeping practices, (4) cleanliness and organization, and (5) *BEAST* training.

In general, the Monitoring Team found these locations to be orderly and secure, with some exceptions described below. We noted in previous reports that MAPS is a modern, highly secure, and well-surveilled facility, and it remains so today.

In contrast, the precinct property rooms are not modern. Most are closets secured by padlock.² NPD's specialized units also handle only a small amount of property, but these units each have secure storage locations. Each of the individual officers encountered at MAPS, the precincts, and the specialized units appeared to be knowledgeable about property and evidence management procedures.

² The Monitoring Team notes, however, that little property passes through these sites as precincts collect only found property and property recovered in connection with bench warrants, and property is transferred from the precincts to the main property room on a regular basis.

Regarding safety, all of the storage spaces that the Monitoring Team observed were locked, except for one. At the First Precinct, an unlocked drawer was used to hold prisoner property on a temporary basis, although it held no property at the time of inspection. This arrangement is unacceptable even for property being held temporarily. NPD indicated that it would obtain a locking file cabinet for this location.

The Monitoring Team noted that, during the inspections, working cameras were present at each location. At each location property storage areas were accessible only by key, key card, or a combination of the two, ensuring, at least in theory, that only authorized personnel have access to these locations. (*See* Consent Decree ¶ 110(d).)

Each location was equipped with *BEAST* equipment and software, which were online and functioning. This system is key to securely and efficiently tracking the movement of property across NPD's various intake and storage locations, and NPD appears to have successfully implemented it Division-wide. Each location also had a paper property log as a backup.

As to organization and cleanliness, the locations toured were generally orderly and clean. Some of NPD's precinct headquarters are located in old and converted buildings. These locations lack modern security technology, such as automatically locking doors. [*See* Consent Decree ¶ 110(e).] However, the maintenance of these locations appeared to be otherwise satisfactory.

As to training, each of the officers to whom the Monitoring Team spoke reported having been trained on using the *BEAST* system. They reported that trainings and re-trainings continue on a rolling basis as necessary. As described above, NPD reports that it provided

Division-wide training on its over-arching property policy, but the Monitoring Team has not had the opportunity to review or approve such training.

3. Areas in Need of Improvement

While the Monitoring Team recognizes the progress made by NPD in the area of property management, there are still barriers to full compliance with the Consent Decree. The most limiting factor is the physical condition of NPD's (and the City's) main property room. The property room does not meet the Consent Decree requirement for automatically locking doors, and climate control remains an issue. (*See* Consent Decree ¶ 110(e).) In 2016, the Monitoring Team observed that the upper floors were not air conditioned or otherwise temperature controlled. There is still no climate control on most of the floors where property and evidence are stored, which may cause degradation of biomaterials such as DNA evidence.

The condition of the property room's outside garage is illustrative of the poor quality of this location. This space, primarily used to hold evidence from vice cases (*i.e.*, alcohol and gambling machines), can be accessed only from an exterior garage door. There is no direct access into this area from *inside* the building. There is no heating in this garage. When it rains, dirt, water and mud leak through the cracks in the walls, flooding the floor. The facility is also infested with rodents. This is not an acceptable condition for a modern police evidence and property facility.

As the Monitoring Team has reported in the past, the Monitoring Team believes that full Consent Decree compliance, while not dependent upon a new building, will be difficult for NPD to achieve without a new property room. The Monitoring Team understands that plans for a new facility have been submitted to an architect, including recommendations for storage equipment, information technology, and safety and security features. As of this monitoring period, NPD and the City are still searching for a suitable site for such a facility.

Overall, NPD has made progress in the area of property management. However, it remains hampered by substandard facilities. The Monitoring Team looks forward to reporting on NPD's property procedures in more detail after conducting audits of NPD's property and evidence management systems.

B. Independent Monitor's First Training Records Audit

The Consent Decree also requires NPD to "maintain complete and consistent training records for all officers." (§ 12.) Pursuant to Consent Decree Paragraph 173, the Monitoring Team's compliance reviews and audits are conducted to determine whether "the City and NPD have: (a) incorporated the [Consent Decree] requirement into the policy; (b) trained all relevant personnel as necessary to fulfill their responsibilities pursuant to the requirement; and (c) implemented the requirement in practice."

As reported in the Ninth Quarterly Report, the Monitoring Team conducted an audit of NPD's records regarding its training of NPD personnel in the following areas: (i) community-oriented policing, (ii) stops, searches, and arrests; (iii) use of force; and (iv) in-car and body-worn cameras. The audit methodology consisted of a review of attendance sheets for each training session that NPD administered in these four areas by March 1, 2019. The Monitoring Team next selected an officer from each session (377 officers in total), reviewed the training records in his or her file, and compared those records to NPD's Master Course Training Files. The Master Course Training File should contain all materials related to the training, such as curriculum, lesson plans, underlying policy, copies of officer test answer sheets, and a list of all officers who received the training.

The Monitoring Team's audit found that the sample of 377 officers had complete and correct training records as compared to the records in the Master Course Training Files. The

Monitoring Team also concluded that the Master Course Training Files contained all information related to the particular course.

The Monitoring Team was able to conclude that NPD complied with the Consent Decree with respect to creating and maintaining training records for this first audit.

Based on the Monitoring Team's observations while conducting the review, and its audit findings, the Monitoring Team made the following five recommendations to NPD:

1. NPD's training staff and facilities require augmentation.

Because of the importance of accurate record keeping, NPD should hire at least one civilian to maintain its electronic records management system. Simply put, NPD needs additional training staff to assist with all training required by the Consent Decree, the New Jersey Attorney General's Office, and NPD's revised or newly written policies.

Subsequent to this reporting period, NPD's training facilities are antiquated and dilapidated. While NPD has moved some training courses to other locations, it should consider moving additional training courses to a local school, such as Rutgers Law School, while repairs are made.

2. NPD should codify and formalize its process for selecting trainers and reviewing training after it has been administered.

NPD should codify its process for selecting trainers in the future, such as maintaining a file with (i) the capabilities of the instructor, (ii) completion of an instructional methods course, (iii) instructors' training experience on the subject matter, and (iv) feedback.

Further, NPD should maintain information used to decide whether to retain a specific trainer. This information would include at least the name of the instructor, his or her position or affiliation with NPD, and any evaluations or feedback on the instructor's past performance.

NPD should also continue to review trainings after they have been administered for ways to improve the course and also for changes in the law and best police and training practices.

3. NPD should formalize its process for administering remedial training.

Currently, if a test-taker does not achieve 80% on a training's post-test, he or she is required to review all incorrect answers with the instructor. Once the instructor is satisfied that the test-taker fully comprehends the material, he or she is marked as having been "remediated" on that specific topic.

The Monitoring Team recommends that, in addition to the current process of remediation, NPD also administer a *second test* to determine whether the test-taker achieves the 80% required threshold after remediation. This second test and certification would be consistent with *General Order 18-28, Training Standards*, which requires that if a test-taker does not achieve at least 80% on the second test, he or she is then referred to the commanding officer for appropriate action. Moreover, for certain subjects, such as use of force, a higher score should be required since these topics are critical to the daily work of every NPD officer. Hence, NPD personnel must know the law.

4. NPD's training staff requires additional assistance to transition to its electronic records management system.

NPD's Police Academy currently has *one* officer who, among other duties, is responsible for inputting training records for all officers into the electronic records management system. For the four courses that were reviewed, that officer had to create and update over 5,000 individual records. As recommended above, NPD needs additional assistance from a civilian to maintain these records. Clerical and administrative activities such as this are not an efficient use

of sworn officers' time. NPD should also seriously consider hiring a professional Director of Training to run the Police Academy and oversee all training programs.

5. NPD must create monthly and annual calendars of its training.

NPD should maintain a schedule of all required trainings, both monthly and annually. The process of creating and maintaining such schedule should be memorialized in a standard operating procedure.

C. NPD's Internal Stop Report Audit

Internal audits serve two important purposes for police departments: (1) improve officer integrity and raise professional standards and (2) provide valuable information on the implementation of new or revised policies. Conducting internal audits is also key to institutionalizing reforms that come out of a Consent Decree. Thus, a modern, Consent Decree-compliant police department cannot rely *solely* on third parties (*i.e.*, an Independent Monitor) to audit implementation of its reforms. To that end, in May 2019, NPD's Consent Decree and Planning Division (CDPD) conducted its second internal Stop Report audit to ensure that officers were complying with NPD policies and practices. While this internal audit is not a substitute for the Monitoring Team's future audits of NPD's practices with respect to Stops, the Monitoring Team commends NPD for this self-evaluation.

The CDPD reviewed a total of 65 Stop Reports covering the period from January 1 to March 31, 2019. The audit allowed NPD to compare officers' performance meeting Stop Report standards in the first quarter of 2019 to officers' performance in 2018. CDPD's internal audit evaluated four basic data points, including whether a Stop Report: (1) articulated a reasonable suspicion for the stop; (2) articulated a reasonable suspicion for the frisk; (3) articulated probable cause for a search; and (4) was accurately completed.

In June 2019, following completion of CDPD's Stop Report audit, the Public Safety Director shared a division-wide memorandum that (i) explained the results of the audit, (ii) identified common problems uncovered by the auditors, such as the use of boilerplate language in establishing reasonable suspicion for stops and frisks, and (iii) reminded officers about resources available to help explain the legal standards for conducting investigative stops, frisks, and searches.

NPD's effort towards self-monitoring in this area is commendable. The Monitoring Team recommends as a next step, along with addressing any deficiencies identified by the audit, that NPD expand the scope of its audit to include analysis beyond the four data points described above. NPD could, for example, include in its audit an analysis of whether officers conducting stops (1) were courteous, respectful and professional, (2) introduced themselves to the person being stopped prior to requesting information from them, and (3) detained the person being stopped for only the reasonable amount of time needed to confirm or dispel the officer's suspicion for the violation of law. (*See General Order 18-4(VI)(B)*). A more expansive review might require additional resources to complete and may involve going beyond a review of Stop Reports (*i.e.*, reviewing body-worn camera footage), but would allow NPD to have a more comprehensive outcome assessment. An expanded NPD self-audit would allow NPD to analyze officer compliance with additional requirements set forth in NPD's Stop Policy and would better prepare NPD for the Independent Monitoring Team's more extensive audit with respect to Stops, which is forthcoming.

NPD might also consider conducting similar audits in additional subject matter areas, such as (i) searches, (ii) arrests, and (iii) use of force. (*See Consent Decree Paragraph 150* (requiring that NPD conduct internal audits in the areas of "stops, searches, seizures (including

false arrests); excessive uses of force” and more)). These audits will provide NPD with valuable information about how well NPD officers are implementing Consent Decree policies in important subject areas and will also help NPD to prepare for audits conducted by the Monitoring Team.

D. Independent Monitor’s Request for Data from January 28, 2019 Officer-Involved Shooting

As described in the Ninth Quarterly Report, the Independent Monitor had previously, during that reporting period, requested data related to the January 28, 2019 officer-involved shooting. During this reporting period, on May 21, 2019, a grand jury indicted a Newark police officer for his role in the shooting. Yet, neither NPD nor the City turned over the requested data this reporting period.

After this reporting period, NPD turned over the requested materials to the Monitoring Team. The Monitoring Team will report on its review of the data in its next, Eleventh Quarterly Report.

II. NEXT QUARTER ACTIVITIES (JULY 1, 2019 – SEPTEMBER 30, 2019)

A. Audits

As reported in the Independent Monitor’s Ninth Quarterly Report, during this reporting period, on May 24, 2019, the Monitoring Team provided NPD with notice that it would soon initiate an audit of NPD’s body-worn cameras to assess NPD’s compliance with its revised Body-Worn Camera policy. As of the publication of this quarterly report, the Monitoring team has completed its audit of NPD’s Body-Worn Cameras. The Monitoring Team will report on the results on the audit in an upcoming report.

After this reporting period, on October 15, 2019, pursuant to Consent Decree Paragraph 180, the Monitoring Team provided NPD with notice that, no sooner than November

29, 2019, the Monitoring Team would initiate an audit of Use of Force by NPD members during the following period: July 1, 2019 through September 30, 2019 (the “Audit Period”) to assess whether NPD complies with Section VIII of the Consent Decree. The Monitoring Team will include the results of the audit in a future report.

III. APPENDICES

- A. Chronology of Key Events**
- B. Compliance Chart**
- C. Training Administration Status Update Chart**
- D. Policy Status Update Chart**
- E. Training Records Review Report**

Appendix A

Timeline (Meetings, Milestones and Events)**Monitoring Team's Tenth Quarterly Report — April 1, 2019 through June 30, 2019.**

| Date | Event |
|-----------------------|---|
| April 3, 2019 | NPD's Property and Evidence Division Policy (GO 18-24) becomes effective. |
| April 3, 2019 | NPD's LGBTQI Community & Police Interactions Policy (GO 19-03) becomes effective. |
| April 4, 2019 | NPD's Community Policing Policy (GO 18-13) becomes effective. |
| April 12, 2019 | NPD's Property and Evidence Management Policy (GO 18-23) becomes effective. |
| May 20, 2019 | The City of Newark files its Sixth Status Report. |
| May 21, 2019 | The Monitoring Team hosts a community event to discuss the Seventh Quarterly Report at the Salvation Army Newark Ironbound Corps. |
| May 24, 2019 | Pursuant to Consent Decree Paragraph 180, the Monitoring Team provides NPD with notice regarding its First Audit of NPD's Body-Worn Camera practices. |
| June 12, 2019 | NPD's First Amendment Right to Observe, Object to, and Record Police Activity Policy (GO 18-12) becomes effective. |
| June 12, 2019 | NPD posts its Community Engagement Report for the First Quarter of 2019 on its website. |
| June 18, 2019 | NPD hosts a community event to discuss its Sixth Status Report at Jehovah-Jireh Praise and Worship Center. |
| June 19, 2019 | NPD's Responsibilities of Command and Supervisory Personnel Policy (GO 80-1) becomes effective. |
| June 24, 2019 | NPD hosts a community event to discuss its LGBTQ Community and Police Interactions Policy training. |

Appendix B

**Consent Decree Compliance and Implementation
(March 30, 2016 to January 13, 2020)**

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I. Definitions

NPD's compliance with the deadlines set forth in the Consent Decree and the Second-Year Monitoring Plan will be assessed using the following categories: (1) not assessed, (2) initial development, (3) preliminary compliance, (4) operational compliance, (5) non-compliance, (6) administrative compliance, and (7) full compliance. Each of these terms is defined below.

1. Not Assessed

"Not Assessed" means that the Monitoring Team did not assess the Consent Decree provision during this reporting period. Acceptable reasons for why a requirement was not assessed may include that the deadline has not passed or some other substantive reason.

2. 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.

3. 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.

4. 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.

5. 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.

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 have been 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 | NPD is in the process of entering all training records into PowerDMS. |

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.”

Community Engagement and Civilian Oversight (including Community Policing) Continued**III. Community Engagement and Civilian Oversight (including Community Policing)**

| Achievement | Consent Decree Paragraph | Consent Decree Deadline for Achievement | Status | Discussion |
|--|---------------------------------|---|------------------------|--|
| NPD will review and revise its current community policing policy or policies to ensure compliance with Consent Decree. | § V; ¶ 5 | Within two years of the Effective Date (March 30, 2018) | Preliminary Compliance | See Ninth Quarterly Report, Appendix D. |
| NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required. | ¶ 11 | Within 60 days after approval of policy | Non-Compliance | The Monitor will assess this requirement during compliance audits. |
| Civilian Oversight (¶ 13) | | | | |
| The City will implement and maintain a civilian oversight entity. | ¶ 13 | Within 365 days of the Effective Date (March 30, 2017) | Non-Compliance | See Sixth Quarterly Report, Section III(A)(2). |
| Community Engagement Measures and Training (¶¶ 14-21) | | | | |
| NPD will provide 8 hours of in-service training on community policing and problem-oriented policing methods and skills for all officers, including supervisors, managers and executives, and at least 4 hours annually thereafter. | ¶ 14 | July 9, 2017 | Preliminary Compliance | See Ninth Quarterly Report, Appendix C. |
| NPD will assess and revise its staffing allocation and personnel deployment to support community policing and problem solving initiatives, and will modify deployment strategies that are incompatible with community policing. NPD's assessment and modified strategy must be approved by the DOJ and Monitor for approval. | ¶ 15 | July 9, 2017 | Non-Compliance | See Eighth Quarterly Report, Section II(A). |

Community Engagement and Civilian Oversight (including Community Policing) Continued

| Achievement | Consent Decree Paragraph | Consent Decree Deadline for Achievement | Status | Discussion |
|--|---------------------------------|--|---------------------|---|
| NPD will assign two officers to each precinct to work with residents to identify and address communities' priorities, and who are not assigned to answer calls for service except in exigent circumstances. | ¶ 16 | Pending completion of the assessment required in ¶ 15 | Initial Development | See Seventh Quarterly Report, Section II(A)(1). |
| NPD will implement mechanisms to measure the breadth, extent, and effectiveness of its community partnerships and problem-solving strategies, including officer outreach, particularly outreach to youth. | ¶ 17 | Within 210 days of the Operational Date (February 7, 2017) | Initial Development | See Seventh Quarterly Report, Section II(A)(1). |
| NPD will prepare a publicly available report of its community policing efforts overall and in each precinct. | ¶ 18 | Within 240 days of the Operational Date March 9, 2017 | Initial Development | See Ninth Quarterly Report, Section II(E). |
| NPD and the City will implement practices to seek and respond to input from the community about the Consent Decree's implementation. Such practices may include direct surveys, comment cards and town hall meetings. | ¶ 19 | Within two years of the Effective Date (March 30, 2018) | Initial Development | See Ninth Quarterly Report, Section II(E). |
| All NPD studies, analyses, and assessments required by this Agreement will be made publicly available, including on NPD and City websites, in English, Spanish, and Portuguese, to the fullest extent permitted under law. | ¶ 20 | Within two years of the Effective Date (March 30, 2018) | Not Assessed | |
| NPD will implement a policy to collect and maintain all data and records necessary to facilitate transparency and wide public access to information related to NPD policies and practices, as permitted by law. | ¶ 21 | Within two years of the Effective Date (March 30, 2018) | Not Assessed | |

IV. Stops, Searches, and Arrests

| Achievement | Consent Decree Paragraph | Consent Decree Deadline for Achievement | Status | Discussion |
|--|---------------------------------|---|------------------------|---|
| Investigatory Stops and Detentions (¶¶ 25-28) | | | | |
| NPD will review and revise its current stop, search, and arrest policy or policies to ensure compliance with Consent Decree, consistent with Paragraphs 25-28. | ¶ 5 | Within two years of the Effective Date (March 30, 2018) | Preliminary Compliance | See Ninth Quarterly Report, Appendix D. |
| NPD will ensure that officers have received, read and understand their responsibilities pursuant to the stop, search, and arrest policies or procedure and that the topic is incorporated into the in-service training required. | ¶ 11 | Within 60 days after approval of policy | Preliminary Compliance | See Eighth Quarterly Report, Section II(C). |
| NPD will train officers to use specific and individualized descriptive language in reports or field inquiry forms. | ¶ 26 | Within two years of the Effective Date (March 30, 2018) | Preliminary Compliance | See Fourth Quarterly Report, Section III(C)(3). |
| Searches (¶¶ 29-34) | | | | |
| NPD will review and revise its current stop, search, and arrest policy or policies to ensure compliance with Consent Decree, consistent with Paragraphs 29-34. | ¶ 5 | Within two years of the Effective Date (March 30, 2018) | Preliminary Compliance | See Ninth Quarterly Report, Appendix D. |
| NPD will ensure that officers have received, read and understand their responsibilities pursuant to the stop, search, and arrest policies or procedure and that the topic is incorporated into the in-service training required. | ¶ 11 | Within 60 days after approval of policy | Preliminary Compliance | See Ninth Quarterly Report, Appendix C. |

Stops, Searches, and Arrests Continued

| Achievement | Consent Decree Paragraph | Consent Decree Deadline for Achievement | Status | Discussion |
|--|---------------------------------|---|------------------------|--|
| Arrests (¶¶ 35-42) | | | | |
| NPD will review and revise its current stop, search, and arrest policy or policies to ensure compliance with Consent Decree, consistent with Paragraphs 35-42. | ¶ 5 | Within two years of the Effective Date (March 30, 2018) | Preliminary Compliance | See Ninth Quarterly Report, Appendix D. |
| NPD will ensure that officers have received, read and understand their responsibilities pursuant to the stop, search, and arrest policies or procedure and that the topic is incorporated into the in-service training required. | ¶ 11 | Within 60 days after approval of policy | Preliminary Compliance | See Ninth Quarterly Report, Appendix C. |
| Stop, Search, and Arrest Training (¶¶ 43-50) | | | | |
| NPD will provide 16 hours of training to all NPD personnel on the First and Fourth Amendments, including the topics set forth in ¶ 43 of the Consent Decree, and at least an additional 4 hours on an annual basis thereafter. | ¶ 43 | November 1, 2017 | Preliminary Compliance | See Ninth Quarterly Report, Appendix C. |
| NPD supervisors will take appropriate action to address violations or deficiencies in stops, detentions, searches, and arrests; maintain records; and identify repeat violators. | ¶ 48 | Ongoing | Not Assessed | The Monitor will assess this requirement during compliance audits. |
| Stop, Search, and Arrest Data Collection and Review (¶¶ 51-54) | | | | |
| NPD will implement use of data collection form, in written or electronic report form, to collect data on all investigatory stops and searches, as approved by the DOJ and Monitor. | ¶ 52 | September 9, 2017 | Initial Development | |

Stops, Searches, and Arrests Continued

| Achievement | Consent Decree Paragraph | Consent Decree Deadline for Achievement | Status | Discussion |
|---|---------------------------------|---|------------------------|---|
| NPD will develop a protocol for comprehensive analysis of stop, search and arrest data, subject to the review and approval of the DOJ and Monitor. | ¶ 53 | Within two years of the Effective Date (March 30, 2018) | Non-Compliance | |
| NPD will ensure that all databases comply fully with federal and state privacy standards governing personally identifiable information. NPD will restrict database access to authorized, identified users who will be permitted to access the information only for specific, legitimate purposes. | ¶ 54 | Within two years of the Effective Date (March 30, 2018) | Not Assessed | |
| First Amendment Right to Observe, Object to, and Record Officer Conduct (¶¶ 55-62) | | | | |
| NPD will require or prohibit officer conduct to comply with ¶¶ 55-62 of the Consent Decree. | ¶¶ 55-62 | Within two years of the Effective Date (March 30, 2018) | Preliminary Compliance | See Ninth Quarterly Report, Appendix D. |

V. Bias-Free Policing

| Achievement | Consent Decree Paragraph | Consent Decree Deadline for Achievement | Status | Discussion |
|--|---------------------------------|--|------------------------|---|
| NPD will review and revise its current bias-free policing policy to ensure compliance with Consent Decree, consistent with Section VII. | ¶ 5 | Within two years of the Effective Date (March 30, 2018) | Preliminary Compliance | See Ninth Quarterly Report, Appendix D. |
| NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required. | ¶ 11 | Within 60 days after approval of policy | Non-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 | Non-Compliance | See Ninth Quarterly Report, Appendix C. |
| NPD will prohibit officers from considering any demographic category when taking, or refraining from taking, any law enforcement action, except when such information is part of an actual and credible description of a specific suspect in an ongoing investigation that includes other appropriate non-demographic identifying factors. NPD will also prohibit officers from using proxies for demographic category, including language ability, geographic location, mode of transportation, or manner of dress. | ¶ 64 | Within two years of the Effective Date (March 30, 2018) | Preliminary Compliance | See Ninth Quarterly Report, Appendix D. |
| NPD will conduct quarterly demographic analyses of its enforcement activities to ensure officer, unit and Division compliance with the bias-free policing policy. | ¶ 65 | Within two years of the Effective Date (March 30, 2018) and then Quarterly thereafter. | Non-Compliance | See Fourth Quarterly Report, Section III(B)(4). |

VI. Use of Force

| Achievement | Consent Decree Paragraph | Consent Decree Deadline for Achievement | Status | Discussion |
|--|---------------------------------|---|------------------------|--|
| Use of Force Policy (¶¶ 66-70) | | | | |
| NPD will develop and implement a use of force policy or set of policies that cover all force techniques, technologies, and weapons that are available to NPD officers consistent with ¶¶ 66-70. The policy or policies will clearly define each force option and specify that unreasonable use of force will subject officers to discipline. | ¶ 66 | Within two years of the Effective Date (March 30, 2018) | Preliminary Compliance | See Ninth Quarterly Report, Appendix D. |
| NPD will ensure that officers have received, read and understand their responsibilities pursuant to the use of force policy or procedure and that the topic is incorporated into the in-service training required. | ¶ 11 | Within 60 days after approval of policy | Preliminary Compliance | See Ninth Quarterly Report, Appendix C. |
| NPD will provide resources for officers to maintain proper weapons certifications and will implement sanctions for officers who fail to do so. | ¶ 70 | Ongoing | Not Assessed | The Monitor will assess this requirement during compliance audits. |
| Use of Firearms (¶¶ 71-74) | | | | |
| NPD will develop and implement a use of firearms policy consistent with ¶¶ 71-74. | ¶ 5 | Within two years of the Effective Date (March 30, 2018) | Preliminary Compliance | See Ninth Quarterly Report, Appendix D. |
| NPD will ensure that officers have received, read and understand their responsibilities pursuant to the use of force policy or procedure and that the topic is incorporated into the in-service training required. | ¶ 11 | Within 60 days after approval of policy | Preliminary Compliance | See Ninth Quarterly Report, Appendix C. |

Use of Force Continued

| Achievement | Consent Decree Paragraph | Consent Decree Deadline for Achievement | Status | Discussion |
|--|---------------------------------|---|------------------------|---|
| Officers will be prohibited from using unauthorized weapons or ammunition in connection with or while performing policing duties. In addition, all authorized firearms carried by officers will be loaded with the capacity number of rounds of authorized ammunition. | ¶ 71 | Within two years of the Effective Date (March 30, 2018) | Preliminary Compliance | See Ninth Quarterly Report, Appendix D. |
| NPD will prohibit officers from discharging a firearm at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force. | ¶ 72 | Within two years of the Effective Date (March 30, 2018) | Preliminary Compliance | See Ninth Quarterly Report, Appendix D. |
| NPD will prohibit officers from unholstering or exhibiting a firearm unless the officer reasonably believes that the situation may escalate to create an immediate threat of serious bodily injury or death to the officer or another person. | ¶ 73 | Within two years of the Effective Date (March 30, 2018) | Preliminary Compliance | See Ninth Quarterly Report, Appendix D. |
| NPD will require that officers successfully qualify at least twice a year with each firearm they are authorized to use or carry while on duty. | ¶ 74 | Within two years of the Effective Date (March 30, 2018) | Preliminary Compliance | See Ninth Quarterly Report, Appendix D. |
| Use of Force Reporting and Investigation (¶¶ 75-85) | | | | |
| NPD will adopt a use of force reporting system and a supervisor Use of Force Report, separate from the NPD's arrest and incident reports, and which includes individual officers' accounts of their use of force. | ¶ 75 | Within two years of the Effective Date (March 30, 2018) | Preliminary Compliance | See Ninth Quarterly Report, Appendix D. |
| NPD will require that officers notify their supervisor as soon as practicable following any reportable use of force. | ¶ 76 | Within two years of the Effective Date (March 30, 2018) | Preliminary Compliance | See Ninth Quarterly Report, Appendix D. |

Use of Force Continued

| Achievement | Consent Decree Paragraph | Consent Decree Deadline for Achievement | Status | Discussion |
|---|---------------------------------|---|------------------------|--|
| NPD, in consultation with Monitor and DOJ, will categorize force into levels to report, investigate, and review each use of force. The levels will be based on the factors set forth in ¶ 77. | ¶ 77 | Within two years of the Effective Date (March 30, 2018) | Preliminary Compliance | |
| NPD will establish a Serious Force Investigation Team (“SFIT”) to review Serious Force Incidents, conduct criminal and administrative investigations of Serious Force incidents, and determine whether incidents raise policy, training, tactical, or equipment concerns. Lower or intermediate force incidents will be investigated by line supervisors. | ¶ 78 | Within two years of the Effective Date (March 30, 2018) | Preliminary Compliance | See Ninth Quarterly Report, Appendix D. |
| Every level of force reporting and review will include the requirements set forth in ¶ 79. | ¶ 79 | Within two years of the Effective Date (March 30, 2018) | Not Assessed | The Monitor will assess this requirement during compliance audits. |
| Upon arrival at the scene, the supervisor will identify and collect evidence sufficient to establish the material facts related to use of force, where reasonably available. | ¶ 80 | Within two years of the Effective Date (March 30, 2018) | Not Assessed | The Monitor will assess this requirement during compliance audits. |
| All officers who used force above Low Level will provide an oral Use of Force statement in person to the supervisor on the scene prior to the subject’s being booked, or released, or the contact otherwise concluded, unless impractical under the circumstances. | ¶ 81 | Within two years of the Effective Date (March 30, 2018) | Not Assessed | The Monitor will assess this requirement during compliance audits. |
| Pursuant to policy and as necessary to complete a thorough, reliable investigation, supervisors will comply with the requirements of ¶ 82. | ¶ 82 | Within two years of the Effective Date (March 30, 2018) | Not Assessed | The Monitor will assess this requirement during compliance audits. |

Use of Force Continued

| Achievement | Consent Decree Paragraph | Consent Decree Deadline for Achievement | Status | Discussion |
|---|---------------------------------|---|----------------|--|
| Supervisors will investigate and evaluate in writing all uses of force for compliance with law and NPD policy, as well as any other relevant concerns. | ¶ 83 | Within two years of the Effective Date (March 30, 2018) | Not Assessed | The Monitor will assess this requirement during compliance audits. |
| Supervisors' documentation of the investigation and evaluation will be completed within 72 hours of the use of force, unless the supervisor's commanding officer approves an extension. | ¶ 84 | Within two years of the Effective Date (March 30, 2018) | Not Assessed | The Monitor will assess this requirement during compliance audits. |
| NPD will analyze the data captured in officers' force reports and supervisors' investigative reports on an annual basis to identify significant trends, to correct deficient policies and practices, and to document its findings in an annual report that will be made publicly available pursuant to Section XV of the Consent Decree. | ¶ 85 | Within two years of the Effective Date and annually thereafter (March 30, 2018) | Non-Compliance | |
| Use of Force Review (¶¶ 86-89) | | | | |
| The chain-of-command supervisor reviewing the investigative report will ensure that the investigation is thorough, complete, and makes the necessary and appropriate findings of whether the use of force was lawful and consistent with policy. Each higher-level supervisor in the chain of command will review the investigative report to ensure that it is complete, the investigation was thorough, and that the findings are supported by a preponderance of the evidence. | ¶ 86 | Within two years of the Effective Date (March 30, 2018) | Not Assessed | The Monitor will assess this requirement during compliance audits. |

Use of Force Continued

| Achievement | Consent Decree Paragraph | Consent Decree Deadline for Achievement | Status | Discussion |
|--|---------------------------------|---|------------------------|--|
| A supervisor should ensure that additional investigation is completed when it appears that additional relevant and material evidence may assist in resolving inconsistencies or improve the reliability or credibility of the findings. | ¶ 87 | Within two years of the Effective Date (March 30, 2018) | Not Assessed | The Monitor will assess this requirement during compliance audits. |
| When the precinct or unit commander finds that the investigation is complete and the evidence supports the findings, the investigation file will be forwarded to the Use of Force Review Board. | ¶ 88 | Within two years of the Effective Date (March 30, 2018) | Not Assessed | The Monitor will assess this requirement during compliance audits. |
| Reporting and Investigation of Serious Force Incidents (¶¶ 90-94) | | | | |
| NPD will create a multi-disciplinary Serious Force Investigation Team (“SFIT”) ³ to conduct both the criminal and administrative investigations of Serious Force incidents, and to determine whether these incidents raise policy, training, tactical, or equipment concerns. SFIT will operate consistent with ¶¶ 91-94. | ¶¶ 90-94 | Within two years of the Effective Date (March 30, 2018) | Initial Development | |
| NPD will develop and implement a SFIT training curriculum and procedural manual. NPD will ensure that officers have received, read and understand their responsibilities pursuant to the General Order establishing the AFIT and General Orders establishing line supervisors’ responsibilities to investigate lower and intermediate use of force incidents and that the topic is incorporated into the in-service training required. | ¶¶ 11, 90 | Within 60 days after approval of policies | Preliminary compliance | |

³ NPD 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) | Preliminary Compliance | See Ninth Quarterly Report, Appendix D. |
| NPD’s UFRB will conduct timely, comprehensive, and reliable reviews of all Intermediate and Serious Force incidents. The UFRB also will conduct the administrative review of incidents in which the ECPO has completed an investigation pursuant to New Jersey Attorney General Directive 2006-05. | ¶¶ 95-102 | Ongoing | Not Assessed | The Monitor will assess this requirement during compliance audits. |
| Each member of the UFRB will receive a minimum of eight hours of training on an annual basis, including legal updates regarding use of force and the Training Section’s current use of force curriculum. | ¶ 97 | Within 60 days after approval of policies | Not Assessed | The Monitor will assess this requirement during compliance audits. |
| The NPD will include the civilian oversight entity in the review of completed SFIT investigations, as permitted by law. | ¶ 101 | Within two years of the Effective Date (March 30, 2018) | Not Assessed | The Monitor will assess this requirement during compliance audits. |

VII. In-Car and Body-Worn Cameras

| Achievement | Consent Decree Paragraph | Consent Decree Deadline for Achievement | Status | Discussion |
|---|---------------------------------|---|------------------------|---|
| NPD will develop, implement and maintain a system of video recording officers' encounters with the public with body-worn and in-car cameras. NPD will develop a policy to designate which cars and officers are exempt from the general in-car and body-worn camera requirements and a policy regarding footage and audio recordings from its in-car and body-worn cameras. | Section IX, ¶¶ 103-104 | Within two years of the Effective Date (March 30, 2018) | Preliminary Compliance | See Ninth Quarterly Report, Appendix D. |
| NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or policies and that the topic is incorporated into the in-service training required. | ¶ 11 | Within 60 days after approval of policy | Preliminary Compliance | See Eighth Quarterly Report, Section II(C). |
| NPD will equip all marked patrol cars with video cameras, and require all officers, except certain officers engaged in only administrative or management duties, to wear body cameras and microphones with which to record enforcement activity. | ¶ 103 | Within two years of the Effective Date (March 30, 2018) | Initial Development | See Eighth Quarterly Report, Section II(C). |

VIII. Theft (including Property and Evidence Management)

| Achievement | Consent Decree Paragraph | Consent Decree Deadline for Achievement | Status | Discussion |
|---|---------------------------------|---|----------------|--|
| NPD will ensure that in all instances where property or evidence is seized, the responsible officer will immediately complete an incident report documenting a complete and accurate inventory of the property or evidence seized, and will submit the property or evidence seized to the property room before the end of tour of duty. | ¶ 105 | Within two years of the Effective Date (March 30, 2018) | Not Assessed | The Monitor will assess this requirement during compliance audits. |
| NPD will conduct regular, targeted, and random integrity audits to detect and deter theft by officers. NPD will employ tactics such as increased surveillance, stings, and heightened scrutiny of suspect officers' reports and video-recorded activities. | ¶ 106 | Ongoing | Not Assessed | The Monitor will assess this requirement during compliance audits. |
| NPD will conduct periodic reviews of the disciplinary histories of its officers who routinely handle valuable contraband or cash, especially those in specialized units, to identify any patterns or irregularities indicating potential risk of theft by officers. | ¶ 107 | Ongoing | Non-Compliance | N/A |

Theft (including Property and Evidence Management) Continued

| Achievement | Consent Decree Paragraph | Consent Decree Deadline for Achievement | Status | Discussion |
|---|---------------------------------|---|------------------------|--|
| To the extent permitted by law and NPD's collective bargaining agreements, NPD will transfer officers with any sustained complain of theft, or two not sustained or unfounded complaints of theft occurring within one year, out of positions where those officers have access to money, property, and evidence. Aspects of officers' disciplinary histories that relate to honesty and integrity will be considered in making decisions regarding reassignment, promotions, and similar decisions. | ¶ 108 | Ongoing | Initial Development | See First Quarterly Report, Section V(C)(6). |
| NPD will report all theft allegations to the New Jersey Department of Law and Public Safety and will continue to report such allegations to the Essex County Prosecutor. Officers who have been the subject of multiple theft allegations will be identified as such in said reports. | ¶ 109 | Ongoing | Not Assessed | The Monitor will assess this requirement during compliance audits. |
| NPD will create a chain of custody and inventory policy or policies to ensure compliance with ¶ 110 of the Consent Decree. | ¶¶ 5; 110 | Within two years of the Effective Date (March 30, 2018) | Preliminary Compliance | See Ninth Quarterly Report, Appendix D. |
| NPD will ensure that officers have received, read and understand their responsibilities pursuant to the chain of custody and inventory policy or policies and that the topic is incorporated into the in-service training required. | ¶ 11 | Within 60 days after approval of policies | Non-Compliance | See Ninth Quarterly Report, Appendix C. |

Theft (including Property and Evidence Management) Continued

| Achievement | Consent Decree Paragraph | Consent Decree Deadline for Achievement | Status | Discussion |
|--|---------------------------------|--|---------------------|---|
| NPD will conduct and document periodic audits and inspections of the property room and immediately correct any deficiencies. | ¶ 111 | Ongoing | Initial Development | See Seventh Quarterly Report, Section II(B) |

IX. Internal Affairs: Complaint Intake and Investigation

| Achievement | Consent Decree Paragraph | Consent Decree Deadline for Achievement | Status | Discussion |
|--|---------------------------------|---|------------------------|--|
| Complaint Process (¶¶ 112-120) | | | | |
| NPD will create an Internal Affairs: Complaint Intake and Investigation policy or policies to ensure compliance with Section XI of the Consent Decree. | ¶ 5, Section XI | Within two years of the Effective Date (March 30, 2018) | Preliminary Compliance | See Ninth Quarterly Report, Appendix D. |
| 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 | Not Assessed | The deadline has not passed. The Monitor will assess this requirement in a future report. |
| 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 | 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 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 C

STATUS OF NPD'S CONSENT DECREE TRAINING**Tenth Quarterly Report – April 1, 2019 – June 30, 2019**

The following chart notes the status of Consent Decree-related training.

| Training | Status |
|---------------------------------|---|
| Community-Oriented Policing | <p>Training was administered to all relevant NPD officers in 2018.¹</p> <p>NPD reports that it completed its second year of training on Community-Oriented Policing in 2019.</p> <p>This training was not provided to the Monitoring Team and the Monitoring team has not approved it.</p> |
| Body-Worn and In-Car Cameras | Training has been administered to all relevant NPD officers. |
| Use of Force | Training has been administered to all relevant NPD officers. |
| Stops, Searches, and Arrests | <p>Training has been administered to all relevant NPD officers.</p> <p>NPD is developing the second generation of training on Stops, Searches, and Arrests and plans to begin administering training as early as January 2020.²</p> |
| Bias-Free Policing ³ | NPD is developing its training on Bias-Free Policing and plans to begin administering training as early as January 2020. |

¹ NPD administered Community-Oriented Policing training to its officers *prior* to completing its Community-Oriented Policing policy.

² Consent Decree Para. 43 requires NPD to “provide all officers with at least 16 hours of training on stops, searches, arrests and the requirements of this Agreement...and at least an additional 4 hours on an annual basis thereafter.”

³ NPD has not completed all of the training elements with respect to incorporating “scenario-based training that promotes the development and strengthening of partnerships between the police and community;” and “conflict resolution, including verbal de-escalation of conflict” [Consent Decree Para. 14(b) & (e)], as it relates to training on community policing and problem-oriented policing methods and skills. NPD intends to incorporate these elements into its trainings on Community Policing, Use of Force, and Stop, Search, and Arrest.

| Training | Status |
|----------------------------------|---|
| Internal Affairs | <p>NPD is developing an internal affairs investigations Procedural Manual in collaboration with the vendor selected by DOJ.</p> <p>The Monitoring Team has provided the Parties with detailed comments to its draft Procedural Manual. At NPD’s request, the Monitoring Team will provide technical assistance to NPD with respect to revising the Procedural Manual.</p> |
| Property and Evidence Management | <p>NPD must develop a Procedural Manual. NPD reports that it, as of June 22, 2019, it has completed training on its primary property policy <i>via</i> PowerDMS.</p> <p>This training was not provided to the Monitoring Team and the Monitoring Team has not approved it.</p> |

Appendix D

STATUS OF NPD'S CONSENT DECREE POLICIES**Tenth Quarterly Report – April 1, 2019 – June 30, 2019**

The following chart notes the status of effective Consent Decree-related policies.

| GO# | Subject | Consent Decree Provision | Date Adopted by NPD |
|------------|---|---------------------------------|---|
| GO 17-06 | Bias-Free Policing | Paragraph 5 | September 19, 2017 <i>(Effective September 19, 2017)</i> |
| GO 18-05 | Body Worn Cameras | Paragraph 104 | June 5, 2018 <i>(Effective June 5, 2018)</i> |
| GO 18-06 | In-Car Cameras | Paragraph 104 | June 5, 2018 <i>(Effective June 5, 2018)</i> |
| GO 18-20 | Use of Force | Paragraphs 66-67 | November 8, 2018 <i>(Effective January 1, 2019)</i> |
| GO 18-21 | Use of Force Reporting, Investigation and Review | Paragraphs 66-67 | November 8, 2018 <i>(Effective January 1, 2019)</i> |
| GO 18-22 | Firearms and Other Weapons | Paragraphs 66-67 | November 8, 2018 <i>(Effective January 1, 2019)</i> |
| GO 18-14 | Consensual Citizen Contacts and Investigatory Stops (“Stops”) | Paragraph 5; Section VI | December 31, 2018 <i>(Effective January 10, 2019)</i> |
| GO 18-15 | Searches With or Without a Search Warrant (“Searches”) | Paragraph 5; Section VI | December 31, 2018 <i>(Effective January 10, 2019)</i> |
| GO 18-16 | Arrests With or Without an Arrest Warrant (“Arrests”) | Paragraph 5; Section VI | December 31, 2018 <i>(Effective January 10, 2019)</i> |

| GO# | Subject | Consent Decree Provision | Date Adopted by NPD |
|----------|--|--------------------------|--|
| GO 18-13 | Community Policing ¹ | Section V | April 4, 2019 (<i>Effective</i> April 4, 2019) |
| GO 18-24 | Property and Evidence Division | Paragraph 110 | April 3, 2019 (<i>Effective</i> April 3, 2019) |
| GO 18-23 | Property and Evidence Management | Paragraph 110 | April 12, 2019 (<i>Effective</i> April 12, 2019) |
| GO 19-03 | LGBTQI Community & Police Interactions ² | Not Required | April 3, 2019 (<i>Effective</i> April 3, 2019) |
| GO 18-12 | First Amendment Right to Observe, Object to, and Record Police Activity ³ | Not Required | June 12, 2019 (<i>Effective</i> June 12, 2019) |

¹ Attached as an addendum to NPD's Community Policing policy is a Department of Public Safety Memorandum regarding NPD's Neighborhood Policing Plans. Neighborhood Policing Plans are plans designed by Precinct Commanders. The Plans identify neighborhoods within a Precinct for Commanders to provide a more localized approach to problem-solving and crime reduction and involve collaboration between officers, residents, business-owners, faith-based organizations, school officials and other service organization to jointly identify and solve local problems.

² Although the Consent Decree requires NPD to "operate without bias based on any demographic category," (*see* Consent Decree § VII), it does not require a standalone policy to address the LGBTQIA community. To help institutionalize its practices, NPD decided to draft a policy dedicated to its stop, search, and arrest of these community members.

³ The Consent Decree requires NPD to respect the public's First Amendment right and prohibits officers from taking certain actions to discourage the exercise of these rights. (Consent Decree ¶¶ 55-62.) It does not expressly require NPD to create standalone policy to this end, but NPD decided to write such a policy.

| GO# | Subject | Consent Decree Provision | Date Adopted by NPD |
|----------|---|--------------------------|--|
| GO 18-25 | Internal Affairs: Complaint Intake & Investigation Process ⁴ | Section XI | August 21, 2019 (<i>Effective</i> August 21, 2019) Revised November 15, 2019 (<i>Effective</i> November 15, 2019) |
| GO 18-26 | Internal Affairs: Disciplinary Process and Matrix | Section XIII | September 9, 2019 (<i>Effective</i> September 9, 2019) |

⁴ On June 19, 2019, NPD promulgated the Responsibilities of Command and Supervisory Personnel policy (GO 80-1). Because the Complaint Intake & Investigation Process policy required command level Supervisors to periodically review the disciplinary histories of subordinate officers, NPD revised this policy to reflect these changes.

Appendix E

First Audit of the Newark Police Division's Training Records

I. REVIEWERS

Robert Wasserman, Hillard Heintze LLC

Thomas J. O'Reilly, Rutgers University Center on Policing

Linda Tartaglia, Rutgers University Center on Policing

II. BACKGROUND

In letters dated March 15, 2019 and April 30, 2019, the Monitoring Team informed the Parties to the Consent Decree that it would audit whether the Newark Police Division ("NPD") maintained records showing that it had (or would) administer training to 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. These training sessions were the only substantive Consent Decree-required trainings that NPD has administered as of March 1, 2019, the point in time that the Monitoring Team would analyze.

The Monitoring Team conducted this audit pursuant to Consent Decree Paragraphs 12 and 173. Paragraph 173 of the Consent Decree provides:

The Monitor will conduct compliance reviews or audits as necessary to determine whether the City and NPD have implemented and continue to comply with the requirements of this Agreement. Compliance with a requirement of this Agreement requires that the City and NPD have: (a) incorporated the requirement into the policy; (b) trained all relevant personnel as necessary to fulfill their responsibilities pursuant to the requirement; and (c) implemented the requirement in practice.

Paragraph 12 provides: "NPD will maintain complete and consistent training records for all officers."

A. Materials Requested and Reviewed

The Monitoring Team requested that NPD make the following materials available for its audit as of March 1, 2019:

- (1) Master Course Training File for each of the four trainings. This File should contain all course materials, including course objectives, curriculum, instructor listing, instructor training materials, schedules for the course, the policy underlying the course, instructor teaching guidelines, and a list of all officers who have received the training.
- (2) Original course sign in sheets, course evaluations, and course pre-test and post-test results for each NPD officer who participated in these four trainings.
- (3) NPD's description of how it tracked the training administered pursuant to the Consent Decree.

- (4) Access to NPD's Consent Decree training database, which shows the name, rank, assignment, and dates of attendance for each officer who attended a particular training, as well as the date on which all relevant NPD officers received training (or whether an officer still needs to be trained in a particular subject).
- (5) Documentation and an analysis of each officers' pre-and post-training assessments.

NPD made these materials available to the Reviewers in Newark, New Jersey, in the Consent Decree conference room located on the second floor of police headquarters (480 Clinton Avenue), and in the NPD Police Academy building (1 Lincoln Avenue). All the files available at the time of review were in hard copy, spread over approximately ten boxes, and had not yet been entered into NPD's new electronic records management system, PowerDMS.¹ Each training course had a paper file that included the sign-in roster co-signed by a member of the training staff, copies of the pre-and post-test, if given, the name of the instructor, and a copy of the evaluation form given to participating officers. The Reviewers analyzed these records during site visits on March 1, 2019 and August 8, 2019.

B. Methodology

The Reviewers performed this training records audit by doing the following: (1) assembling the attendance sheets for each of the 377 training sessions that NPD administered on these four subject areas as of March 1, 2019, (2) selecting one officer from each of these sheets (377 officers in total), (3) reviewing the training records in that particular officer's file, and (4) comparing those records to the contents of NPD's Master Course Training Files for each of the four subject areas on which the officer was trained. The Reviewers also obtained a list of all NPD officers by rank and assignment as of March 1, 2019 and examined the files for every officer who was returning from leave to active duty during the audit period.

C. Sample Size

NPD reported to the Reviewers that as of March 1, 2019, NPD had 1,113 sworn officers in total. Thirty-six of those officers were not available to be trained. This group of unavailable officers included 17 officers on military leave, 12 officers on long-term injury leave, and 7 officers who were indefinitely suspended. Thus, as of March 1, 2019, NPD had 1,077 officers eligible for training.²

¹ NPD is in the process of transitioning to an electronic records system. As described in the Monitoring Team's Quarterly Reports, an electronic records system will provide NPD with significant benefits, including ensuring the integrity of its records as well as facile analysis and data exports. Electronic record management also will enable the Monitoring Team to perform many of the audits required by the Consent Decree.

² The number of NPD officers eligible to be trained is constantly in flux due to such factors as the number of officers on military leave, disability, or suspension on any given day. For example, between August 8, 2019 and September 10, 2019, the number of NPD officers available to be trained varied from 986 to 996.

As evidenced by the attendance sheets—and as expected when administering training to a large police department—the number of NPD officers in each training session ranged from 3 to 30. The following chart shows the number of training sessions that NPD administered for each of the four subject areas. The number of training sessions is the same as (i) the number of training sheets reviewed, and (ii) the number of officer training records reviewed, since one officer’s records were reviewed per training sheet.

| Training | Number of sessions, training sheets, and officers reviewed | Number of Officers Trained in Total³ |
|------------------------------|---|--|
| Community-Oriented Policing | 69 | 1,250 |
| Use of Force | 80 | 1,147 |
| Stop, Search, and Arrest | 37 | 920 ⁴ |
| Body-Worn and In-Car Cameras | 191 | 852 ⁵ |
| Total | 377 | 4,169 |

III. ANALYSIS

A. Findings

The Reviewers found that 100% of the sample of 377 officers had complete and correct training records as compared to the records in the Master Course Files. Those few officers who had not yet received training in one of the subjects were scheduled to do so. Additionally, the Reviewers found that all officers who had returned from leave to active duty as of March 1, 2019 had received the four Consent Decree trainings before returning to active duty.

Additionally, the Reviewers found that NPD’s Master Course Files for the four covered subjects contain all of the information that NPD reports they do. NPD’s Master Course Files contained: (a) the relevant training curriculum, (b) list of instructors and instructional learning objectives, (c) instructor guidelines, (d) course schedules, (e) sample student evaluation form, (f) sample course pre-test, (g) sample course post-test, (h) analysis of course test scores, (i) student feedback where provided, and (j) teaching materials such as PowerPoint, handouts, and videos.

³ The variation in number of officers trained is predominantly attributable to fluctuations in the number of officers eligible for training at any given point, and the fact that these trainings were staggered over a nearly two-year period.

⁴ NPD had not yet completed administration of Stop, Search, and Arrest training as of March 1, 2019, the control date for this audit.

⁵ NPD had not yet completed administration of Body-Worn and In-Car Camera training as of March 1, 2019, the control date for this audit.

NPD is in the process of compiling a report for all four courses that analyzes each question to identify who answered questions correctly or incorrectly on the pre and post-tests.

Finally, the Reviewers note that every officer in the sample with a patrol or community-facing function was trained in the four covered subjects by January 29, 2019. Officers, Detectives, and Command staff had all completed training by July 2019.

B. Recommendations

During the course of this audit, the Reviewers spent significant time with NPD's training staff, reviewing its processes and procedures. Based on their experience, the Reviewers make the following observations.

(1) NPD's training staff and facilities require augmentation.

Given NPD's size and the amount of training required by the Consent Decree, the New Jersey Attorney General's Office, and NPD's revised or newly written policies, NPD should add additional training staff, including at least one civilian support person who is dedicated to the maintenance and upkeep of its electronic records management system, PowerDMS.

Additionally, NPD's training facilities are antiquated and dilapidated. They do not provide an environment conducive to learning or a positive image to those receiving training, particularly recruits during their six to eight-week orientation. New officers get their first exposure to NPD during training; poor facilities impair morale and can send the message that officer training is a low priority. The Reviewers recommend a temporary change of the training location for new officers while repairs can be made. NPD could use classroom space at Rutgers Law School, Seton Hall Law School, and Berkeley College.

(2) NPD should codify and formalize its process for selecting trainers and reviewing training after it has been administered.

While NPD has recruited well-qualified trainers to administer the four Consent Decree trainings, it should codify its process for selecting trainers in the future. Best practices include maintaining an organized file of at least the following information: (i) the capabilities of the instructor, (ii) completion of an instructional methods course, (iii) instructors' training experience on the subject matter; and (iv) feedback.

This system should maintain basic information about data used in the decision-making process of whether to retain a specific trainer, including the name of the instructor, position or affiliation with NPD, instructional training attended, rank of the police officer, other relevant subject matter taught, and any evaluations or feedback on the instructor's past performance. This information should be stored in two places: the individual instructor files, and in the Master Course Files.

Finally, NPD should designate a member of the Academy to review comments received from the students who suggest ways to improve the course after it has been completed, and at least one member who reviews each training for changes in the law and best police and training practices.

(3) NPD should formalize its process for administering remedial training.

The training academy uses a percentage of correct answers on the post-test form as the predesignated passing score for each particular topic taught. If an individual does *not* achieve the 80% threshold on the post-test, the training participant is required to review all incorrect answers with instructors. The instructor explains the rationale for why a particular choice is correct and why other answers are incorrect. Once the instructor is satisfied that the training participant fully comprehends the material, the instructor signs the post-test form indicating that the instructor feels the student has been “remediated” on the relevant topic.

We suggested a consistent policy aligned with General Order 18-28, Section 4, under which the Academy would create a more formalized process for individuals who do not achieve the 80% score on the post-test. This process should include remediation as is currently being done, followed by administration of a *second test* to the officer to gauge whether he or she achieves the required 80% completion. General Order 18-28 provides that if an officer, upon taking the test the second time after remediation, does not achieve a score of at least 80%, then he or she is referred to the commanding officer for appropriate action.

We also suggest that the required passing score be tied to the particular subject matter being assessed; some subject areas **must** require a higher score. For example, Use of Force testing should require close to a 100% score. Other tests might require a lower score.

(4) NPD’s training staff requires additional assistance to transition to its electronic records management system.

The Police Academy has *only one officer* devoted to entering the records of the officers into the PowerDMS electronic records management system. It is clear that this personnel allocation is inadequate. For example, for the four courses subject to this compliance review, a single person is required to create and update over 5,000 individual records. Further, the officer devoted to data entries, now a lieutenant, has numerous other responsibilities for NPD’s training program beyond data entry.

Progress has been significant and steady, but NPD needs additional temporary help with these files. To properly maintain these files, NPD should dedicate one or more civilian support persons fully trained in the operation of PowerDMS. The PowerDMS system applications are particularly critical for training records. The successful management and implementation of Power DMS will help NPD comply with various Consent Decree requirements and should be prioritized.

(5) NPD must create monthly and annual calendars of its trainings, Consent Decree and otherwise.

In order to ensure that NPD is optimizing its training resources, it must formalize the process for creating a monthly calendar of trainings, and create an annual training schedule, which would include trainings required by the Consent Decree, New Jersey Attorney General’s Office, and other required courses. The process for formalizing the master calendar, as well as other aspects of the training function at NPD, should be memorialized in a training standard

operating procedure. This standard procedure is imperative in ensuring a comprehensive training program that reflects best practices, as well as ensuring smooth transition of leadership and staff.

The four charts attached to this audit as **Appendix A** provide details regarding the training records of the officers who received training regarding (1) Community-Oriented Policing, (2) Use of Force, (3) Stops; Searches, with or without a warrant; and Arrests, with or without a warrant, and (4) Body-Worn and In-Car Cameras.

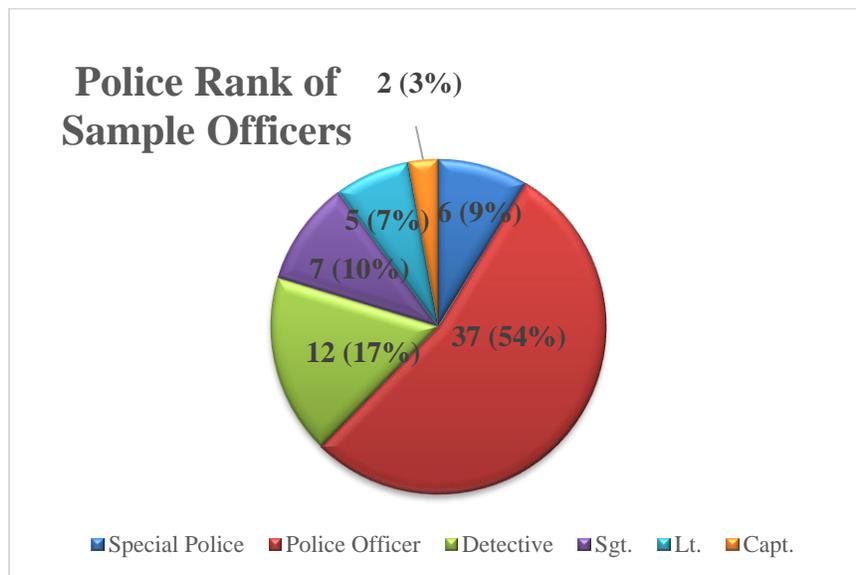
Dated: October 15, 2019

Peter C. Harvey
Independent Monitor

Appendix A: Analysis of NPD’s Training by Subject Matter

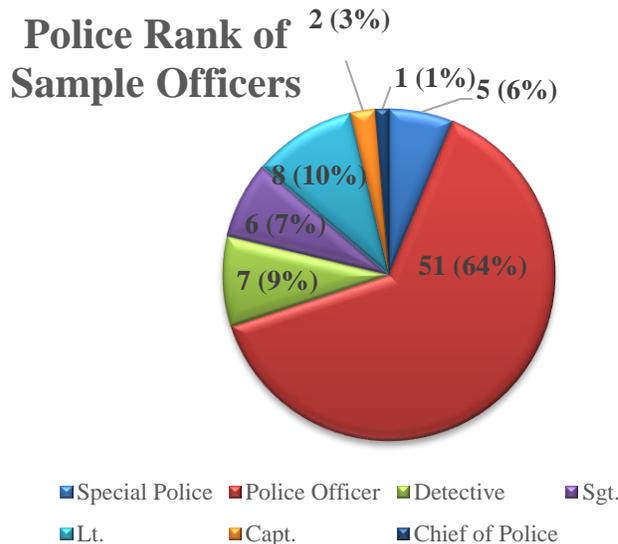
Community-Oriented Policing

| | |
|--|---|
| Hours of training: 8 | Possible Assignments for Sample Officers |
| Number of attendance sheets reviewed: 69 | <ul style="list-style-type: none"> • First Precinct • Second Precinct |
| Information included on attendance sheet: | <ul style="list-style-type: none"> • Third Precinct |
| Course/ Policy | <ul style="list-style-type: none"> • Fourth Precinct |
| Name | <ul style="list-style-type: none"> • Fifth Precinct |
| ID number | <ul style="list-style-type: none"> • Sixth Precinct |
| Date attended | <ul style="list-style-type: none"> • Seventh Precinct |
| Assignment | <ul style="list-style-type: none"> • Traffic |
| Test sheets | <ul style="list-style-type: none"> • Juvenile |
| Evaluation | <ul style="list-style-type: none"> • Municipal Holding |
| Recorded on training academy records | <ul style="list-style-type: none"> • Robbery • Special Chiefs Office |
| Course start date: March 12, 2018 | <ul style="list-style-type: none"> • Holding |
| Completed: May 31, 2018 | <ul style="list-style-type: none"> • Fugitive |
| Total trained: 1,250 | <ul style="list-style-type: none"> • Property |
| Sworn members: 1,140 | <ul style="list-style-type: none"> • Emergency Services |
| Special Police: 110 | <ul style="list-style-type: none"> • Auto |
| Sick/Injured: 49 | <ul style="list-style-type: none"> • 911 Center |
| Other Leave: 8 | <ul style="list-style-type: none"> • Metro |
| Remaining to be trained as of March 1, 2019: 0 | <ul style="list-style-type: none"> • RTCC |



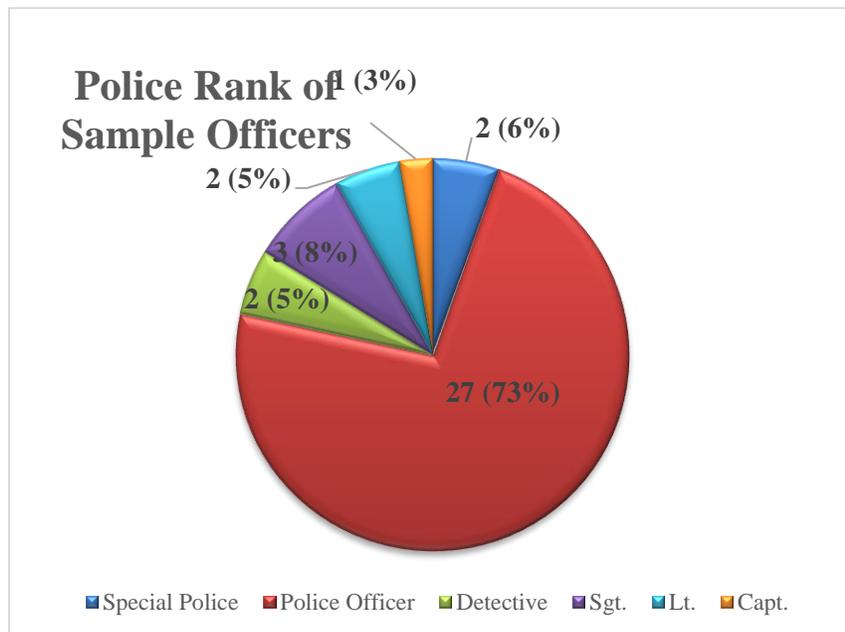
Use of Force

| | |
|--|---|
| Hours of training: 8 | Possible Assignments for Sample Officers |
| Number of attendance sheets reviewed: 80 | <ul style="list-style-type: none"> • First Precinct |
| | <ul style="list-style-type: none"> • Second Precinct |
| Information included on attendance sheet: | <ul style="list-style-type: none"> • Third Precinct |
| Course/ Policy | <ul style="list-style-type: none"> • Fourth Precinct |
| Name | <ul style="list-style-type: none"> • Fifth Precinct |
| ID number | <ul style="list-style-type: none"> • Sixth Precinct |
| Date attended | <ul style="list-style-type: none"> • Seventh Precinct |
| Assignment | <ul style="list-style-type: none"> • Traffic |
| Test sheets (No pre-test administered) | <ul style="list-style-type: none"> • Juvenile |
| Evaluation | <ul style="list-style-type: none"> • Municipal Holding |
| Recorded on training academy records | <ul style="list-style-type: none"> • Special Chiefs Office |
| | <ul style="list-style-type: none"> • Emergency Services |
| Course Start Date: October 24, 2018 | <ul style="list-style-type: none"> • Auto |
| Completed: February 28, 2019 | <ul style="list-style-type: none"> • Taxi |
| Total trained: 1,147 | <ul style="list-style-type: none"> • 911 Center |
| Sworn members: 1,050 | <ul style="list-style-type: none"> • Chiefs Office |
| Special Police: 97 | <ul style="list-style-type: none"> • Finance |
| Sick/ Injured: 40 | <ul style="list-style-type: none"> • Fleet |
| Other Leave: 34 | <ul style="list-style-type: none"> • FOP |
| Remaining to be trained as of March 1, 2019: 0 | |



Stops, Searches, and Arrests

| | |
|--|---|
| Hours of training: 16 | Possible Assignments for Sample Officers |
| Number of attendance sheets reviewed: 37 | <ul style="list-style-type: none"> • First Precinct |
| | <ul style="list-style-type: none"> • Second Precinct |
| Information included on attendance sheet: | <ul style="list-style-type: none"> • Third Precinct |
| Course/ Policy | <ul style="list-style-type: none"> • Fourth Precinct |
| Name | <ul style="list-style-type: none"> • Fifth Precinct |
| ID number | <ul style="list-style-type: none"> • Sixth Precinct |
| Date attended | <ul style="list-style-type: none"> • Seventh Precinct |
| Assignment | <ul style="list-style-type: none"> • Municipal Holding |
| Test sheets | <ul style="list-style-type: none"> • Robbery |
| Evaluation (no evaluations were administered) | <ul style="list-style-type: none"> • Emergency Services |
| Recorded on training academy records | <ul style="list-style-type: none"> • Special Chiefs Office |
| | <ul style="list-style-type: none"> • Holding |
| Course Start Date: November 8, 2018 | |
| As of March 1, 2019 (projected completion May 2019) | |
| Total trained: 920 | |
| Police Officers: 843 | |
| Special Police Officers: 77 | |
| Total Sworn members: 1,098 | |
| Special Police: 110 | |
| Remaining as of March 1, 2019: 291 (255 Sworn and 36 Special Police Officers). | |



Body-Worn and In-Car Cameras

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|--|---|
| Number of attendance sheets reviewed: 191 | Possible Assignments for Sample Officers |
| Information included on attendance sheet: | <ul style="list-style-type: none"> • First Precinct |
| Course/ Policy | <ul style="list-style-type: none"> • Second Precinct |
| Name | <ul style="list-style-type: none"> • Third Precinct |
| ID number | <ul style="list-style-type: none"> • Fourth Precinct |
| Date attended | <ul style="list-style-type: none"> • Fifth Precinct |
| Assignment | <ul style="list-style-type: none"> • Sixth Precinct |
| Test sheets | <ul style="list-style-type: none"> • Seventh Precinct |
| Evaluation | <ul style="list-style-type: none"> • Traffic |
| Recorded on training academy records | <ul style="list-style-type: none"> • Juvenile |
| | <ul style="list-style-type: none"> • Municipal Holding |
| Course Start Date: April 9, 2018 | <ul style="list-style-type: none"> • Special Chiefs Office |
| Trained as of March 1, 2019: 852 (required patrol officers completed training by 1/29/2019) | <ul style="list-style-type: none"> • Emergency Services |
| Total trained: 852 | <ul style="list-style-type: none"> • Auto |
| Total Sworn members: 1,098 | <ul style="list-style-type: none"> • Holding |
| Special Police: 0 | <ul style="list-style-type: none"> • 911 Center |
| Remaining to be trained as of March 1, 2019: 246 | <ul style="list-style-type: none"> • Metro |
| | <ul style="list-style-type: none"> • Robbery |
| | <ul style="list-style-type: none"> • Fugitive |
| | <ul style="list-style-type: none"> • Property |
| | <ul style="list-style-type: none"> • RTCC |

