

## NEWARK POLICE DEPARTMENT INVESTIGATION AND AGREEMENT IN PRINCIPLE FACT SHEET

### INVESTIGATION

- The Justice Department's Civil Rights Division, in partnership with the U.S. Attorney's Office for the District of New Jersey, initiated an investigation in May 2011 of the Newark Police Department's (NPD) police practices under three civil rights statutes: The Violent Crime Control and Law Enforcement Act of 1994, Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968.
- The investigation focused on allegations of excessive force; unconstitutional stops, searches and seizures; discriminatory policing on the basis of race, ethnicity, national origin, sexual orientation and gender identity; risk of harm to detainees confined in holding cells; and retaliation by officers against individuals who legally attempt to observe or record police activity.
- The city of Newark and the NPD cooperated throughout the investigation.
- Prior to and during the investigation the Justice Department received input about the NPD from community groups and individuals through meetings, a community email address and a community hotline.
- The investigation was conducted by Justice Department lawyers, staff and external experts in police practices. Police practice experts included current and former police commanders from other jurisdictions, who provided expertise on law enforcement issues, as well as experts in the collection and analysis of police-related data.
- The investigation included intensive on-site review of NPD practices and procedures. The team conducted interviews and meetings with NPD officers, supervisors, command staff and union representatives, and participated in ride-alongs with officers and supervisors.
- The investigation included in-depth analysis of NPD documents and data. The Justice Department reviewed thousands of pages of documents, including written policies and procedures, internal reports, data and investigative files.

### FINDINGS

- **Stops, Searches and Arrests in Violation of the Fourth and First Amendments** The Justice Department found reasonable cause to believe NPD engages in a pattern or practice of unconstitutional stops, searches and arrests in violation of the Fourth and First Amendments of the Constitution. Approximately 75 percent of pedestrian stops documented by NPD provided an insufficient constitutional basis for the stop. NPD has also engaged in a pattern or practice of unconstitutional arrests for behavior perceived as insubordinate or disrespectful to officers – often charged as obstruction of justice, resisting arrest or disorderly conduct. In addition, some number of NPD narcotics arrest reports may not accurately describe the circumstances leading to the arrest.
- **Disparate Impact of Police Activities** While the data gathered during the investigation did not provide enough information to conclude whether NPD engages in intentional discrimination, the Justice Department did find a disproportionate number of stops and arrests of black people

relative to their representation in Newark's population. According to 2010 census data, black people comprise 53.9 percent of Newark's population, but they accounted for 85 percent of NPD's pedestrian stops and 79.3 percent of NPD's arrests. While more data collection and analysis must be done to determine the extent to which these disparities are avoidable, it is clear that, because of this disparity, the black community in Newark bears the brunt of NPD's unconstitutional stop practices.

- **Unreasonable Force in Violation of the Fourth Amendment** The investigation found more than 20 percent of NPD officers' reported uses of force to be unreasonable and in violation of the Constitution. There was evidence of significant underreporting of use of force by officers and most NPD use of force investigations have been inadequate to support reliable conclusions.
- **Theft by Officers** The Justice Department found that NPD has subjected individuals to theft of property and money by officers, specifically in specialized units and the prisoner processing unit.
- **Practices Reflecting and Contributing to Patterns of Misconduct** The Justice Department identified a number of systemic deficiencies within NPD, which both serve as evidence and contribute to these three patterns, including: inadequate misconduct investigations and force reviews, inadequate supervision and inadequate training.

#### **NEXT STEPS AND REMEDIAL MEASURES**

- The patterns of unconstitutional conduct stem in part from organizational failures including a lack of sufficient policies, supervision and training. The Justice Department and the city of Newark have entered into an agreement in principle on what will be contained in the final, court enforceable agreement. The final agreement will provide the structure, transparency and accountability necessary to achieve sustained constitutional policing through:
  - civilian review and community engagement;
  - closer use of force documentation and review;
  - improved Internal Affairs practices;
  - fair and consistent application of discipline;
  - constitutional stop, search and arrest practices;
  - improved data collection and review to ensure NPD engages in bias-free policing;
  - more rigorous procedures for the safekeeping of personal property; and
  - an enhanced early warning system to support effective supervision and management to promote constitutional policing.