

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

**CONSENT DECREE**

**Independent Monitor - Third Quarterly Report**

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Independent Monitor  
January 15, 2018**



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## **I. INTRODUCTION TO THE CONSENT DECREE**

In 2014, the United States Department of Justice (“DOJ”) issued a report concluding that Newark Police Division (“NPD”) officers engaged in a pattern or practice of unconstitutional policing, including: theft by officers, unlawful stops and arrests, excessive use of force and retaliation against individuals who exercise their First Amendment rights. Because of these findings, on March 30, 2016, DOJ, NPD and the City of Newark (the “City”) entered into a written settlement agreement – a Consent Decree – with the intention of correcting these unconstitutional practices, and transforming NPD into a twenty-first century police force. The Consent Decree requires NPD to implement significant reforms, including new policies and procedures, additional trainings, and increased accountability through accurate record keeping and transparency.

On May 5, 2016, Peter C. Harvey was appointed as the Independent Monitor. The Independent Monitor is required to assess the City’s and NPD’s implementation and compliance with the Consent Decree, and to release quarterly public reports describing NPD’s progress during that Reporting Period. Mr. Harvey served as Attorney General and, previously, First Assistant Attorney General, for the State of New Jersey during most of the time that the New Jersey State Police was subject to a consent decree between the State of New Jersey and DOJ. He leads a team of locally and nationally recognized Subject Matter Experts (“SMEs”), consisting of former law enforcement professionals, community advocates, and leading academics. This report refers to the Monitoring Team when addressing the work that the Consent Decree requires of the Independent Monitor.<sup>1</sup>

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<sup>1</sup> For a more detailed introduction to the Monitoring Team, the Consent Decree, and the Parties to the Consent Decree, please see Section III of the Independent Monitor’s First Quarterly Report.

Paragraph 183 of the Consent Decree requires “[t]he Monitor [to] file with the [United States District Court for the District of New Jersey] quarterly written, public reports covering the reporting period.” Reports must include:

- a. a description of the work conducted by the Monitor during the reporting period;
- b. a listing of each Consent Decree requirement indicating which requirements have been: (1) incorporated into implemented policy; (2) the subject of sufficient training for all relevant Newark Police Division, Newark Department of Public Safety (“NPD” or “Division”) officers and employees; (3) reviewed or audited by the Monitor to determine whether they have been fully implemented in actual practice, including the date of the review or audit; and (4) found by the Monitor to have been fully implemented in practice, and the date of this finding;
- c. the methodology and specific findings for each audit or review conducted, redacted as necessary for privacy concerns. An unredacted version will be filed under seal with the Court and provided to the Parties. The underlying data for each audit or review will not be publicly available but will be retained by the Monitor and provided to either or both Parties upon request;
- d. any requirements that were reviewed or audited and found not to have been fully implemented in practice, and the Monitor’s recommendations regarding necessary steps to achieve compliance.

This Paragraph also requires the Independent Monitor’s Reports to include “the specific findings for each relevant assessment conducted,” “the Monitor’s recommendations regarding necessary steps to achieve compliance,” “a projection of the work to be completed during the upcoming reporting period,” and “any anticipated challenges or concerns related to implementation of the [Consent Decree].”

This is the Monitoring Team’s Third Quarterly Report, covering the time period of June 1, 2017 through September 30, 2017. Pursuant to Paragraph 183 of the Consent Decree, the Report summarizes the Monitoring Team’s activities during this period, provides detailed status updates on the City and NPD’s progress, describes the tasks and audits that will be addressed in the upcoming Reporting Period, makes recommendations to the City and NPD regarding necessary steps to achieve compliance, and identifies obstacles that may inhibit

compliance. For an overview of the events that occurred during the Reporting Period, please see **Appendix A.**

## **II. SUMMARY OF QUARTER’S ACTIVITIES (JUNE 1, 2017 THROUGH SEPTEMBER 30, 2017)**

### **A. Executive Summary**

During this quarter, NPD finalized two policies required by the Consent Decree: (1) a revised Use of Force policy, and (2) its first Bias-Free Policing policy. The policies were completed after soliciting and incorporating input from DOJ, the Monitoring Team, the Civilian Complaint Review Board (“CCRB”), and Newark residents. These are the first two policies that have been approved by DOJ and the Monitoring Team since the City and NPD entered into the Consent Decree in March 2016, and completing them was a major undertaking.

Despite this achievement, NPD still lacks capacity to complete most of the tasks required in both the Consent Decree and the Monitoring Team’s First Year Monitoring Plan,<sup>2</sup> particularly with regard to (i) policy writing, (ii) training, and (iii) data systems improvements. At this point, the City has not committed to proactive, long-term planning to obtain the resources necessary to achieve full compliance. This has slowed police reforms, and jeopardized NPD’s ability to achieve compliance within the five years allocated by the Consent Decree. For example, NPD lacks a Training Director, whose role is dedicated to training project management. NPD has not demonstrated it can oversee the complex logistical planning necessary to complete training curriculum design, teaching methodology, and training administration for a large urban police force. NPD lacks personnel with sufficient knowledge of its data systems to produce certain policing data that the Monitoring Team has requested. This

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<sup>2</sup> For a more extensive discussion of the First Year Monitoring Plan, please refer to Section IV.C of the First Quarterly Report. The Plan is also available on the Independent Monitor’s website, <https://www.newarkpdmmonitor.com/>. The Monitoring Team is currently drafting its Second Year Monitoring Plan, which will be released in 2018 and discussed in future reports.

data would allow the Monitoring Team to review NPD's policing practices, conduct audits required by the Consent Decree, and/or identify deficiencies. As a general matter, the City and NPD often find themselves in a reactive posture to Consent Decree deadlines.

During this quarter, NPD has had substantial turnover in its Consent Decree Planning Unit ("CDPU"), which is the unit that coordinates activities relating to the Consent Decree. It is not uncommon for police agencies to experience this turnover within the first two years of a consent decree. While staff changes have temporarily slowed NPD's progress, the Monitoring Team is hopeful that the new CDPU staff members will increase NPD's capacity, and has been impressed by their contributions so far.

To refocus NPD on achieving some of the most critical Consent Decree priorities, the Independent Monitor and NPD agreed to an aggressive timetable for completing policy development and training required under the Consent Decree. By the end of the next Reporting Period and, indeed, by December 31, 2017, NPD has committed to having the following policies drafted, submitted to DOJ and the Monitoring Team for review and feedback, and revised by incorporating that feedback: (a) Internal Affairs: Complaint Intake; (b) Body-Worn and In-Car Cameras; (c) Stop, (d) Search, (e) Arrest; (f) Firearms and Other Weapons; and (g) Reporting, Investigation and Review, which includes provisions related to the Serious Force Investigation Team ("SFIT") and All Force Investigation Team ("AFIT").

**B. Compliance with Consent Decree and First Year Monitoring Plan Deadlines**

In this report and the Compliance Chart, attached as **Appendix B**, the Monitoring Team assessed NPD's progress in meeting Consent Decree and First Year Monitoring Plan deadlines. NPD's compliance with these deadlines is assigned one of the following categories: (1) not assessed, (2) non-compliance; (3) initial development, (4) preliminary compliance, (5)

operational compliance, (6) administrative compliance, and (7) full compliance.<sup>3</sup> The following is a summary of the Compliance Chart, containing all of the deadlines that elapsed by the end of this Reporting Period.

<b>Achievement</b>	<b>Consent Decree Para.</b>	<b>Deadline</b>	<b>Compliance Status</b>
<b>Use of Force</b>			
NPD will review and revise its current use of force policy or policies to ensure compliance with Consent Decree.	¶ 5 (Monitoring Plan App'x A at 3.)	March 2, 2017	Initial Development (achieved after this deadline)
NPD will issue a report, analyzing data from officer force reports and supervisor investigative reports and identifying significant trends, as well as policies and practices that need to be revised.	¶¶ 85, 168 (Monitoring Plan App'x A at 5.)	June 5, 2017	Non-Compliance
<b>Stop, Searches and Arrests</b>			
NPD will review and revise its current policy or policies to ensure compliance with Consent Decree.	¶ 5 (Monitoring Plan App'x A at 8.)	Sept. 4, 2017	Initial Development
Based on feedback from the Monitor and Parties, NPD will finalize a report 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.	¶ 168 (Monitoring Plan App'x A at 11.)	July 1, 2017	Non-Compliance
<b>Internal Affairs: Complaint Intake and Investigation</b>			
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 (Monitoring Plan App'x A at 18.)	June 5, 2017	Non-Compliance

<sup>3</sup> Please see **Appendix B** for definitions of these categories.

<b>Achievement</b>	<b>Consent Decree Para.</b>	<b>Deadline</b>	<b>Compliance Status</b>
NPD will review and revise its current OPS policy to require training of OPS investigators.	¶ 5 (Monitoring Plan App'x A at 20.)	July 31, 2017	Non-Compliance
<b>Community Engagement and Civilian Oversight</b>			
NPD will review and revise its current community policing policy or policies to ensure compliance with Consent Decree.	¶ 5 (Monitoring Plan App'x A at 22.)	June 6, 2017	Non-Compliance
NPD will prepare a publicly available report of its community policing efforts overall and in each precinct, including specific problems addressed and steps taken by NPD and the community toward their resolution.	¶ 18	March 9, 2017	Non-Compliance
NPD will provide eight hours of structured in-service training on community policing and problem-oriented policing methods and skills for all officers, including supervisors, managers, and executives.	¶ 14	July 9, 2017	Initial Development
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
The City will establish through executive order and/or municipal legislation a civilian oversight entity to assess and review NPD's efforts to comply with the Consent Decree.	¶ 13	July 12, 2017	Operational Compliance (pending litigation)

<b>Achievement</b>	<b>Consent Decree Para.</b>	<b>Deadline</b>	<b>Compliance Status</b>
<b>Bias-Free Policing</b>			
NPD will provide all NPD personnel with a minimum of eight hours of training on bias-free policing.	¶ 63	July 1, 2017	Non-Compliance
NPD will review and revise its current bias-free policing policy or policies to ensure compliance with Consent Decree.	¶ 5 (Monitoring Plan App'x A at 26.)	Aug. 28, 2017	Initial Development
<b>Data Systems Improvement: Early Warning and Records Management Systems</b>			
NPD will revise its use of Early Warning System (“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.	¶ 161 (Monitoring Plan App'x A at 30.)	Sept. 11, 2017	Non-Compliance
<b>Discipline</b>			
NPD will conduct annual reviews of its disciplinary process and actions.	¶ 155	July 12, 2017	Non-Compliance

### **III. DETAILED STATUS UPDATE (JUNE 1, 2017 – SEPTEMBER 30, 2017)**

#### **A. Use of Force**

Section VIII of the Consent Decree requires NPD to develop and implement use of force policies and training that are consistent with constitutional, federal, and state law. NPD must also develop a use of force investigatory policy that ensures prompt identification of – and response to – unreasonable uses of force, officer and supervisor reporting on uses of force, and a multi-disciplinary unit that investigates serious force incidents. (Consent Decree ¶¶ 75, 79, & 90.) The Use of Force policy sets forth NPD’s philosophy and general requirements with respect to the use of force, and the other policies that fall within its parameters. To satisfy the Consent

Decree's policy requirements, NPD has chosen to draft new policies for (1) the Use of Force, (2) Firearms and Other Weapons, and (3) Reporting, Investigation and Review (some of which will be conducted by the AFIT),<sup>4</sup> and also revise ancillary policies relating to NPD's use of force. (See Consent Decree ¶¶ 66-67.) NPD will also have to train its officers on these new and revised policies.

### **1. Use of Force Policy**

During the past quarter, NPD finalized its revised Use of Force policy, which was approved by DOJ and the Independent Monitor.<sup>5</sup> Completing this policy is an important milestone for NPD, as the Use of Force policy sets forth NPD's foundational principles regarding the use of force, and was NPD's *second* policy to be approved by DOJ and the Independent Monitor. The first policy, Bias-Free Policing, was approved on September 19, 2017.

Use of Force policy development followed the Path Forward – a multi-step workflow for policy development created by the Monitoring Team and approved by the Parties – which, for this subject area, required NPD to solicit community feedback on its draft policy before finalizing it.<sup>6</sup> To this end, on June 27, 2017, NPD and members of the Monitoring Team presented the Use of Force policy to community members at a forum organized by the Monitoring Team's SME for Community Engagement, the New Jersey Institute for Social Justice ("NJISJ") (see Section IV.G.3 of this Report for a detailed discussion of the forum).

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<sup>4</sup> Both the Consent Decree and the First Year Monitoring Plan refer to this unit as the Serious Force Investigation Team, or "SFIT." NPD has chosen to expand the scope of the unit's responsibilities by having AFIT conduct administrative reviews of *all* use of force incidents and re-named it accordingly. The Monitoring Team has no objection to this approach.

<sup>5</sup> See Section IV of the Second Quarterly Report for a more-detailed description of the Use of Force policy.

<sup>6</sup> See Section III.B of the Second Quarterly Report for a description of the Path Forward.

Separately, on July 20, 2017, NPD received comments on the Use of Force policy from members of the CCRB.<sup>7</sup> On September 14, 2017, the Parties and members of the Monitoring Team, led by SME Dr. Wayne Fisher, held a conference call to discuss the CCRB and Newark community member feedback on the Use of Force policy. NPD made revisions in response to community feedback, and then circulated a revised draft of the policy, which was approved on September 29, 2017 by both DOJ and the Monitoring Team.

While the Use of Force policy is in final form, it has not yet been promulgated. NPD has advised the Monitoring Team that the Use of Force policy must be issued at the same time as the (i) Firearms and Other Weapons policy and (ii) Reporting, Investigation and Review policy, as these three policies are interconnected. During this Reporting Period, NPD began drafting the Reporting, Investigation and Review policy, but has not submitted a draft to the Monitoring Team or DOJ for review. The First Year Monitoring Plan required NPD to create and implement a General Order establishing AFIT by February 1, 2017, which required the completion of all three policies, namely, Use of Force; Firearms and Other Weapons; and Reporting, Investigation and Review. NPD decided to prioritize the development of the Use of Force policy, and did not meet this deadline. NPD has committed to having the two other policies – Firearms and Other Weapons policy and the Reporting, Investigation and Review policy – including provisions related to AFIT, drafted, reviewed by the Monitoring Team and DOJ, and then revised by December 31, 2017.

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<sup>7</sup> As described in Section IV.H.1 of this Report, the CCRB is currently enjoined from performing certain oversight functions required by the Consent Decree as a result of litigation initiated by the Fraternal Order of Police, Newark Lodge No. 12 (“FOP”) against the City. The City sought – and was granted – permission from the Superior Court of New Jersey to allow the CCRB to review NPD’s Use of Force Policy.

These policies will require NPD to collect new data on policing activity. For example, the Reporting, Investigation and Review policy requires officers to file *electronic* (a) use of force reports, (b) officer and witness use of force reports, and (c) supervisor use of force reports. New reporting requirements improve accountability over NPD's investigation into each potential excessive use of force by ensuring that each use of force is accompanied by multiple statements, including from officers and supervisors who may not have been involved. NPD will need to ensure that its electronic data entry program, BlueTeam, contains fields for these data inputs.<sup>8</sup>

## **2. Use of Force Training**

By the close of this Reporting Period NPD, had not finalized its use of force training curriculum, decided on a trainer or training source, created a plan for training its officers, nor developed a timetable for the completion of these tasks. Based on its assessment of NPD's training capacity over the past months, the Monitoring Team concluded that NPD does not have the internal expertise to train its officers or the capacity to develop a comprehensive use of force training curriculum on a reasonable timeline.

To assist NPD in bolstering its training capacity, the Monitoring Team recommended that NPD seek independent use of force experts to help NPD develop a manual for use of force training. To that end, NPD has decided to pursue federal funding – as opposed to requesting additional funding from the City – through the National Training and Technical Assistance Center (“NTTAC”), which is the training and technical assistance arm of DOJ's Bureau of Justice Assistance (“BJA”). The funds, if made available, would be used to retain an independent use of force expert to assist with both drafting a curriculum and building NPD's

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<sup>8</sup> NPD will continue to maintain a paper-reporting requirement as a backup in case BlueTeam is not operational, or in case NPD promulgates its policies before BlueTeam is operational.

capacity to administer this training. To identify a qualified, independent expert within DOJ's budget, NTTAC has released a public request for proposals. NTTAC is currently reviewing the proposals submitted in response to its request, and the Monitoring Team expects that NTTAC will approve a proposal during the next quarter.

Once NPD issues its Use of Force policies referenced herein, it will need to develop a means of ensuring that every officer receives a copy of the policy and roll call training on the policy's core requirements pursuant to Consent Decree Paragraph 11. To expedite this process, the Monitoring Team suggested that NPD develop a training bulletin and training video to show at roll calls.

**B. Community-Oriented Policing and Bias-Free Policing**

**1. Policy Development**

**a. Community-Oriented Policing Policy**

On July 31, 2017, the Parties and members of the Monitoring Team held a kick-off meeting at the United States Attorney's Office in Newark to help NPD begin drafting its Community-Oriented Policing policy. At the meeting, attendees discussed NPD's current community policing practices and best practices. DOJ and the Monitoring Team identified resources, including policies and resources from other jurisdictions to assist NPD in its own policy development. At this meeting, the Parties agreed that it would be important to engage community members in determining public safety priorities for inclusion in the policy. NPD committed to having a draft of this policy that is approved by the Monitoring Team and DOJ by the end of the first quarter of 2018.

While NPD has not yet submitted to DOJ or the Monitoring Team its Community-Oriented Policing policy required by the Consent Decree, the Newark Public Safety Director has drafted a "Strategic Plan" – a document representing his vision for community

policing in Newark – which NPD intends to use as a guide for the policy. Because NPD maintains that the Strategic Plan is separate and apart from the Community-Oriented Policing Policy or other Consent Decree requirements, it has not submitted the Strategic Plan for approval, and therefore, neither DOJ nor the Monitoring Team has approved it.

Because the Strategic Plan will likely impact the way that NPD officers engage with Newark residents, the Monitoring Team recommended that NPD present the Plan to representatives from various community-based organizations for review and feedback. On August 1, 2017, NPD solicited review and comment, via e-mail, from community leaders affiliated with the New Community Corporation, Newark Antiviolence Coalition, Hetrick-Martin Institute, Newark Youth Court, American Civil Liberties Union of New Jersey, La Casa de Don Pedro, Ironbound Community Corporation, Youth Build, My Brother’s Keeper-Newark, and Ironbound Community Corporation. After the Reporting Period, on October 16, 2017, the Public Safety Director invited representatives from these groups to an event where he discussed his community policing goals. This event will be discussed in the next quarterly report.

**b. Bias-Free Policing Policy**

NPD issued its Bias-Free Policing policy on September 21, 2017, following multiple meetings and rounds of revisions by NPD, DOJ and the Monitoring Team, led by SME Former Philadelphia Police Department (“P.D.”) Deputy Commissioner, Kevin Bethel. This was the first Consent Decree policy that NPD officially promulgated, and represents an important milestone in NPD’s progress with Consent Decree tasks.

Policy development followed the Path Forward. Before finalizing its policy, NPD sent a draft to the CCRB for review and feedback. NPD and the Monitoring Team also presented a draft of the Bias-Free Policing policy to community members for review and feedback at a forum organized by the Monitoring Team’s Community Engagement SME, NJISJ, on June 27,

2017 (*see* Section IV.G.3 of this Report for detailed discussion of this forum). After the forum, the Parties and the Monitoring Team had a telephone conference to discuss this feedback. NPD incorporated some of the feedback, and the policy underwent another round of revisions.

## **2. Staffing Allocation and Personnel Protocol**

Paragraph 15 of the Consent Decree requires that by July 9, 2017, NPD assess and revise its officer staffing assignments to support community-oriented policing. NPD missed this deadline. As noted in the Second Quarterly Report, NPD retained an outside consultant to conduct this staffing allocation study; however, the study had not been completed as of the end of this Reporting Period. The Monitoring Team expects that this study will be complete and ready for the Monitoring Team’s review in the next quarter.

## **3. Training Related to Community Policing and Bias-Free Policing**

Section V of the Consent Decree requires NPD to provide training to its officers on community policing and bias-free policing. NPD elected to pursue a training curriculum that addresses these two areas simultaneously, but in two training phases. NPD intends for Phase I to satisfy Paragraph 14 of the Consent Decree, which requires NPD to provide eight hours of training on “community policing and problem-oriented policing methods and skills for all officers,” and will cover a portion of the bias-free policing training required by Paragraph 63 of the Consent Decree. NPD intends for Phase II to focus on the remainder of bias-free policing training required in Paragraph 63.

### **a. Phase I: Community Policing and Bias-Free Policing Training**

During this Reporting Period, the Monitoring Team tracked NPD’s implementation of Phase I of community policing and bias-free policing training. Consent Decree Paragraph 14 required training on community policing and bias-free policing to be

administered by July 9, 2017, and Paragraph 63 required that training be administered by July 1, 2017. NPD missed both deadlines, and has yet to begin training its police force in these areas. However, NPD has begun to train its trainers, a precursor to administering training to all NPD officers and personnel.

As discussed in prior Quarterly Reports, NPD entered into an agreement with the Virginia Center for Policing Innovation (“VCPI”) to develop Phase I of the community policing and bias-free policing training curriculum on NPD’s behalf. NPD secured a grant from DOJ’s Community Oriented Policing Services (“COPS”) office to fund VCPI’s curriculum development. On April 17, 2017, VCPI provided an initial draft of the curriculum for NPD’s review. The Monitoring Team, led by SMEs Robert Wasserman and Former Cambridge P.D. Commissioner, Robert Haas, reviewed this draft curriculum, and concluded that the training would provide an introductory foundation for many of the key concepts in community and bias-free policing. However, the Monitoring Team noted that the curriculum must include Newark-specific content, in addition to the other elements specified in Paragraph 63 of the Consent Decree. The Monitoring Team also strongly recommended that NPD develop diagnostic tools to gauge officers’ understanding of the course material in both Phases I and II of its training.

**b. Delays in Implementing Phase I**

The rollout of Phase I training has been significantly delayed. The Monitoring Team believes delays are attributable to two causes. First, it took nearly three months for the COPS office and VCPI to approve the final curriculum materials. NPD did not receive these materials until August 14, 2017. Second, NPD has failed to proactively develop a plan to administer training to its officers.

As discussed in the Second Quarterly Report, NPD decided to forego training during the summer months because of increased staffing needs on the streets. However, NPD

did not use that time to advance its training plans, exacerbating delays in rolling out this training. For example, during this quarter, NPD could have prepared Newark-specific materials, developed a diagnostic tool to assess officers' understanding of course materials and provided the requisite 30-day notice to officers for schedule changes to attend trainings. As of the quarter's end, it does not appear that NPD has begun any of these tasks. NPD advised the Monitoring Team that it will not be able to begin administering Phase I until December 2017. Without increased initiative and proactive planning, NPD will have difficulty achieving compliance with the Consent Decree's training requirements. Simply put, the City must allocate funding so that NPD can hire someone to fill the role of a Training Director, to manage development of officer training, and organize a comprehensive training schedule.

**c. VCPI Train-the-Trainer Course**

From September 27 through 29, 2017, VCPI conducted a two-and-half day train-the-trainer course for the Phase I community policing and bias-free policing training. These sessions were held at Berkeley College's Newark Campus. Captain David Squires and Lieutenant Brent Barnett from the Virginia Beach Police Department, both of whom are under contract with VCPI, instructed the training. Captain Squires and Lieutenant Barnett were accompanied by Sheila Gunderman, VCPI Director of Programs, and Nezmia E.A. Comrie, COPS Senior Program Specialist. Twenty-eight (28) out of the 32 NPD officers identified as prospective trainers attended the training. NPD class participants represented captains from three of the five precincts in Newark and from the Training Division, all 10 Community Service Officers ("CSO"), and lieutenants, sergeants, and detectives. All of those who participated have been assigned as instructors and/or will provide support to officers who will teach Phase I of the training to the entire Division. Monitoring Team SME Robert Haas, Former Commissioner of the Cambridge P.D., also audited the course.

This train-the-trainer course focused on the substantive material in the VCPI-developed curriculum, entitled, “Community Policing: Improving Police Efficacy and Building Trust.” This course was the first time that VCPI presented its curriculum to practitioners. The Monitoring Team found the course to be a helpful primer on how to teach the Phase I training. During the course, VCPI instructors presented the material in an adult learning format, accompanied by a PowerPoint presentation and several videos. Class participants were provided with an instructor’s guide, which the instructors referenced during the course. In addition to teaching the course material, instructors provided guidance on how to counter resistance to the training material (which is expected to occur) without impeding class participation.

Captain Squires and Lieutenant Barnett explained that the role of the instructors is to change the mindset of officers who may not know and/or understand the overarching goal of community policing. The instructors also emphasized that community policing creates a safer environment for police officers, encourages active community engagement, and reduces crime. Throughout the course, almost all of NPD’s participants were actively engaged and, on the last day of the course, at the request of VCPI and COPS, provided recommendations to enhance the curriculum before it is administered to the entire Division.

Following the train-the-trainer course, the NPD instructors who will be teaching the Phase I training to the entire Division intend to hold additional meetings to (i) study the training curriculum, and (ii) identify relevant Newark videos and examples to incorporate into the training curriculum. In addition to developing pre- and post-training assessments to gauge an officer’s understanding of the training materials, the Monitoring Team strongly recommended that the NPD instructors conduct mock training sessions prior to implementing the training, so that they will be prepared to present the Phase I training to the entire Division.

**d. Phase II: Community Policing and Bias-Free Policing Training**

NPD does not have the capacity to develop bias-free policing training contemplated in Paragraph 63. Hence, NPD plans to engage an external expert to develop the Phase II curriculum on its behalf. NPD had not yet retained this expert by the end of the quarter.

The Monitoring Team strongly recommends that NPD begin planning for this course now, rather than wait until after Phase I training has completed. The Monitoring Team will comment on the development of the Phase II training as it progresses.

**C. Stop, Search, and Arrest**

The Consent Decree requires NPD to conduct all investigatory stops, searches, and arrests in a manner consistent with constitutional, federal, and state law. (*See* Consent Decree § IV.) NPD officers must: (i) document all investigatory detentions and inquiries of individuals; (ii) articulate in their reports, in a specific and clear manner, the reasonable suspicion for stopping individuals; and (iii) by the end of their shifts, properly document why they had probable cause for any arrest. (*See* Consent Decree ¶¶ 26, 28, 42.)

**1. Policy Revision**

Under the First Year Monitoring Plan, by September 4, 2017, NPD was to revise its policies regarding stop, search, and arrest. Those policies are: (1) G.O. 04-12 - Search and Seizure; (2) G.O. 09-03 - Arrest Procedures; and (3) G.O. 97-8 - Field Stop, Voluntary Contact Reporting. NPD has not met this deadline.

On August 9, 2017, the Parties met at the United States Attorneys' Office in Newark to discuss these policies. This meeting was attended by members of the Monitoring Team, DOJ, the City, and NPD. The Parties discussed the status of the stop, search, and arrest policies, and several models of stop, search, and arrest policies from other jurisdictions that the

Monitoring Team and DOJ provided to NPD in advance of the meeting. While NPD had provided some draft policies to DOJ for review, NPD had not made enough progress for DOJ and Monitoring Team's review of the draft policies for the August 9 discussion to be productive. The Parties agreed that these drafts needed additional work before they were ready for a second round of feedback. The Parties and Monitoring Team recognized that NPD would be unable to meet the September 4, 2017 policy revision deadline.

NPD did not make any additional progress until October 2017, at which point NPD appointed a new lead officer to be responsible for stop, search, and arrest policy development. The Monitoring Team and Parties established a new timetable for completing the stop, search, and arrest policies after this Reporting Period closed. The new NPD lead officer has been working diligently, with technical assistance provided by Monitoring Team SME Lead former Philadelphia P.D. Deputy Commissioner Kevin Bethel.

The Monitoring Team is encouraged by the recent momentum NPD has gained in this area, and is hopeful that NPD will be able to satisfy its new commitment to have its stop, search, and arrest policies drafted, reviewed by the Monitoring Team and DOJ, and then revised by December 31, 2017.

## **2. Data Collection Form**

The Consent Decree requires NPD to develop a report format to collect data on all investigatory stops and searches. (Consent Decree ¶ 52.) As noted in the First Quarterly Report, under the Order to Amend Consent Decree, entered on December 22, 2016, the deadline for this requirement was extended from September 9, 2017 to November 1, 2017. (See Second Quarterly Report § V.B.1.) The Monitoring Team will report on this requirement in the next quarterly report.

### **3. Response to Data Audit Request**

Accurate and comprehensive data is essential to the Monitor's audit of NPD's compliance with the Consent Decree. During the previous Reporting Period (February 1, 2017 through May 31, 2017), the Monitoring Team requested that NPD provide (i) Field Inquiry Reports, (ii) Consent to Search Forms, (iii) Arrest Reports, (iv) Tour Assignment Sheets, and (v) Incident Reports for the period from May 1, 2017 through May 31, 2017. The Monitoring Team intended to use this data to conduct a baseline assessment of whether NPD officers are (a) properly reporting stop, search and arrest activity; (b) articulating reasonable suspicion for stops; and (c) documenting probable cause for an arrest by the end of their shifts. As detailed in Section III.K of this Report, NPD determined that it is currently unable to produce and deliver data requested by the Monitoring Team because NPD personnel do not have the skills necessary to complete these tasks. Therefore, the Monitoring Team's audit of the stop, search, and arrest data, described in the Second Quarterly Report, has been delayed until NPD can produce this important data.

#### **D. Training**

In its Second Quarterly Report, the Monitoring Team discussed NPD's multiple deficiencies in developing and implementing training required by the Consent Decree, including the lack of an experienced training team, the absence of a Training Director, and multiple personnel transitions in and out of the Consent Decree Planning Unit and the NPD Training Division. These issues continue to present obstacles to NPD's compliance with the Consent Decree's training requirements.

NPD and the City *must* commit funding to hire *multiple* training experts to (a) develop adult, scenario-based training materials; (b) assist NPD in building its capacity to write

and teach modern training techniques; and (c) teach the first generation of modern policing training to NPD personnel.

### **1. Training Administration and Capacity**

During this Reporting Period, NPD has made little progress in building its training capacity. To date, NPD has not administered any training on policing practices for the substantive areas in which training deadlines have elapsed. Although NPD's lack of progress in training is primarily due to NPD's lack of training capacity, it is also due to NPD's failure to plan or prepare a strategy to achieve compliance with the Consent Decree's numerous training requirements. As a result, NPD has taken a reactive stance to Consent Decree requirements. For instance, NPD tends to focus on developing *one* training course at a time, such that planning for future training courses will only begin once a current course has been implemented (as noted above, NPD has yet to implement any substantive training). The delay in planning and executing the training required by the Consent Decree is a major concern for the Monitoring Team.

The Monitoring Team, led by SMEs Robert Wasserman and Former Cambridge P.D. Commissioner Robert Haas, has attempted to identify experts, grants and private funding to assist NPD with development and implementation of its training program, and has repeatedly emphasized the importance of creating a timeline for training execution and a list of all trainings required by the Consent Decree and state entities. This list would help NPD determine which state-mandated trainings could be satisfied by Consent Decree courses, thereby eliminating duplicative training. Despite NPD's assurances that it would create a timeline, none has been provided to the Monitoring Team.

At NPD's request, the Monitoring Team identified individuals and resources outside of NPD to help draft curricula and train NPD's trainers. After the Reporting Period, NPD retained one such individual (who began in late October 2017) to help develop the

curriculum for Stop, Search and Arrest training. This training writer and developer has been retained to work only one day per week, slowing his ability to assist NPD successfully implement the training. Nevertheless, the Monitoring Team expects that this person will boost NPD's ability to develop and execute training relating to Stop, Search and Arrest, and other subject matter areas as well.<sup>9</sup>

Furthermore, NPD still needs to hire someone to serve in a Training Director role. NPD cannot create a long-term strategy for developing a functional training program without someone dedicated solely to overseeing development of training curricula, timelines for training, and training administration logistics.

## **2. Training Recordkeeping Practices: First Baseline Assessment**

The Monitoring Team intended to conduct a baseline assessment of NPD's records, from May 5, 2016 through May 31, 2017, relating to the Consent Decree Training. However, NPD was not able to produce the data that the Monitoring Team requested for this assessment. The Monitoring Team will continue to work with NPD to resolve these issues, so that the baseline assessment on NPD's training records can be completed. (*See* Section III.J of this Report for a more detailed discussion of the Monitoring Team's efforts to conduct a baseline assessment).

## **E. Property and Evidence Management**

The Consent Decree requires that NPD prevent theft of citizens' property and case evidence by officers (*See* Consent Decree § X.). NPD must develop policies and procedures for the secure intake, storage, and release of property. (*See* Consent Decree ¶ 110.) NPD continues

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<sup>9</sup> Although NPD has hired an individual to develop the Stop, Search, and Arrest training, NPD still has an outstanding request to CNA, a federally funded research and development center, to identify an outside expert through the National Public Safety Partnership (formerly known as the Violence Reduction Network) to develop 16-hour training for Stop, Search, and Arrest that is required by Consent Decree Paragraph 43. The Monitoring Team does not know the status of this request.

to revise its policies in this area, and NPD and the Monitoring Team, led by SME Thomas Bell, have taken steps to prepare for their respective audits of NPD's facilities.

### **1. NPD's Inventory and Audit**

After completing an initial audit of its cash, jewelry, and bulk narcotics evidence, NPD has begun to prepare for a full audit and inventory of its property and evidence facilities. On August 3, 2017, NPD provided the Monitoring Team with a Command Memorandum regarding Phase I of its proposed inventory procedure. This Memorandum designates one room as a newly dedicated firearms storage facility, and calls for the transfer of non-firearm items to a different location. This dedicated storage facility currently holds narcotics.

NPD's Memorandum states that NPD will have completed Phase I once it securely transfers narcotics from this designated facility into a different area and transfers all known firearms into the designated facility. The Memorandum also provides specific procedures for clearing the designated area of narcotics: each box of narcotics will be inventoried and secured with packing tape; the boxes will be assembled into 4-foot by 4-foot cubes, which will be encased in clear plastic wrap; the cubes will be transferred to a currently empty room where they will be entered into the BEAST,<sup>10</sup> NPD's electronic evidence tracking system; the room will be sealed with tape on its door edge; the sealing officer will sign and enter into BEAST his or her initials, ID number, and the date sealed; and a sign will be posted on the outside of the door reading "NO ENTRY, INVENTORY IN PROCESS."

The Monitoring Team commends the Property & Evidence Division's efforts to provide a structured and detailed inventory procedure. However, sealing property room doors

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<sup>10</sup> The BEAST system is also known as the also known as "Bar Coded Evidence Analysis Statistics and Tracking."

with tape cannot serve as an adequate long-term security solution. Consent Decree Paragraph 110(e) requires that all property room doors will be secured “with mechanisms that automatically lock upon closing.”

## **2. Audit of Property and Evidence Storage Facilities**

During the Reporting Period, the Monitoring Team took additional steps to prepare its audit of NPD’s property and evidence storage facilities. On July 18, 2017, the Monitoring Team held an internal meeting to discuss the information it will need to conduct the audit, and drafted template forms to be used in the audit process. The Monitoring Team’s audit will take place over subsequent review quarters.

## **3. Property and Evidence Management Policies**

Last quarter, NPD revised its policies on (i) property and evidence packaging and storage; (ii) custody and inventory of prisoner’s personal property; and (iii) evidence and property management. On July 21, 2017, NPD met with DOJ and the Monitoring Team to discuss these three primary property and evidence policies. DOJ provided additional comments to the draft policies on August 7. As of the end of this quarter, NPD had yet to incorporate DOJ’s comments. The Monitoring Team anticipates that NPD will finalize these property and evidence policies during the first quarter of 2018.

## **F. Internal Affairs: Complaint Intake and Investigation**

During this quarter, the Monitoring Team focused on identifying for NPD’s consideration, a suitable outside provider of basic investigatory training for handling complaints against NPD personnel. The Monitoring Team recommended New Jersey State Police’s (“NJSP”) internal affairs training course, which the NJSP graciously agreed to provide at no cost to NPD. The Monitoring Team also continued to prepare for its review of completed Office of Professional Standards (“OPS”) (Internal Affairs) investigatory files.

## **1. State Police Internal Affairs Training**

On June 27 and 28, 2017, the NJSP provided a two-day training course on basic internal investigation techniques to select NPD personnel, at no cost to NPD. A member of the Monitoring Team observed each day of training. Several groups of NPD officers attended the training: Thirty-one *new* sergeants, members of the Consent Decree Planning Unit, OPS (Internal Affairs) investigators, and the OPS (Internal Affairs) Executive Officer attended the training, which encompassed eleven discrete lesson modules, including:

- Internal Affairs Overview, which touched upon the NJSP's own investigatory framework and the link between internal affairs and public trust;
- Union Issues, including union representation during investigations and due process requirements;
- Interviews for Internal Investigations, describing effective interview techniques; Intake Procedures and Classification Overview;
- Conducting Internal Investigations;
- Internal Investigations Involving Domestic Violence incidents by NPD personnel; and
- Racial Profiling and Use of Force Investigations.

The training also incorporated the New Jersey Attorney General's Guidelines, which are binding upon the NPD. The course culminated in a final exam to assess attendees' comprehension.

In the Monitoring Team's opinion, this training greatly benefited the NPD officers in attendance by providing useful advice on investigatory best-practices. The course was not specifically tailored to NPD, nor did it encompass all of OPS's (Internal Affairs) procedures and functions. Hence, the course did not satisfy the internal affairs training contemplated by Paragraphs 116 or 148 of the Consent Decree. Nonetheless, this course will aid NPD in developing its own NPD-specific internal affairs training and policies moving forward.

## **2. Internal Affairs Policy Review**

NPD had paused work on its internal affairs policies while it considered retaining someone outside of NPD to assist with its drafting. During the Reporting Period, however, NPD determined that it was not economically feasible to hire an outside expert, and that it would continue to use internal resources to write its policies, with technical assistance provided by the Monitoring Team and guidance from DOJ. During this quarter, in an attempt to get NPD back on track, the Monitoring Team, led by SMEs Dr. Gerard LaSalle and Natashia Tidwell, examined internal affairs policies from other police departments, including those under (or previously under) federal consent decrees, and recommended to NPD specific sections from these policies that it might consider using as a guide when drafting its own policies. After this Reporting Period, the Monitoring Team recommended to NPD specific sections from these policies that it might consider using as a guide when drafting its own policies. NPD has committed to finishing the drafting process – which includes time for DOJ and the Monitoring Team to review and approve the policy – by December 31, 2017.

## **3. Internal Affairs Case Review**

As noted in the Second Quarterly Report, the Monitoring Team is conducting a review of NPD's completed internal affairs cases that were reported from January 1, 2015 to December 31, 2016 to develop a baseline from which to assess NPD's progress in investigating complaints made to the NPD Internal Affairs unit. During the Reporting Period, the Monitoring Team finalized its Internal Affairs case review diagnostic tool, which is based on instruments used for similar reviews by federal consent decree monitoring teams in Seattle, WA and Cleveland, OH. The Monitoring Team ran a test review of select case files, and then submitted the instrument to the Parties for comment after the Reporting Period closed (October 10, 2017). The Parties did not provide any comments on the instrument. The Monitoring Team also

requested and received electronic versions of the Internal Affairs case files described in the Second Quarterly Report. The Monitoring Team will provide the results of the review in a subsequent quarterly report.

**G. Internal Affairs: Discipline**

Section XIII of the Consent Decree requires NPD to adopt policies that are consistent and fair in their application of discipline, and apply discipline for sustained allegations of misconduct based on the severity of the violation and defined aggravating and mitigating factors. Paragraph 153 of the Consent Decree requires NPD to implement disciplinary guidance within 90 days of the Consent Decree Operational Date (i.e., October 10, 2016). The First Year Monitoring Plan also required NPD to establish a unified system for reviewing sustained findings and applying appropriate levels of discipline by March 9, 2017 (*see* ¶ 54) and conduct an annual review of NPD’s disciplinary process and actions by July 12, 2017 (*see* ¶ 155). NPD has missed these deadlines.

During this quarter, members of the Monitoring Team, led by Former Cambridge P.D. Commissioner, Robert Haas, met with NPD to discuss the draft Disciplinary Process General Order (“Directive” or “policy”), which incorporates the *Disciplinary Matrix* – a chart of officer infractions and corresponding discipline. At this meeting, the Monitoring Team and NPD discussed the requirements of Paragraph 13 of the Consent Decree, which include the City and NPD instituting civilian oversight over NPD’s findings of misconduct and imposition of discipline.

The City intends for the CCRB, created on March 16, 2016, to perform this oversight role. As such, NPD’s discipline policy must describe the CCRB’s involvement in the discipline process. However, there is ongoing litigation in the New Jersey Superior Court, Essex County, between the Fraternal Order of Police, Newark Lodge No. 12 (“FOP”) and the City

relating to the lawful authority of the CCRB. Without clarity about the scope of the CCRB's lawful authority to oversee NPD's discipline, NPD cannot finalize its discipline policy or matrix, and thus, will not be able to achieve compliance in this area of the Consent Decree. The Parties' response to this litigation will be discussed in Section H.1 of this Report.

### **1. Discipline Policy and Matrix**

The Second Quarterly Report outlined many of the Monitoring Team's substantive recommendations for NPD's draft discipline policy and matrix. (*See* Second Quarterly Report § IV.F.1.) In particular, the Monitoring Team continues to have concerns about NPD's use of the "Neglect of Duty" disciplinary category because it is vague and unspecific. NPD uses "Neglect of Duty" as a catch-all for any offense that does not fit into another specific category. As a result, "Neglect of Duty" can refer to a wide range of both serious and minor offenses, including (i) falsifying reports, (ii) attempted suicide of prisoners, (iii) failure to search patrol vehicles after transport, (iv) pedestrian struck by a police vehicle, and (v) failure to be on time during a crime incident, among numerous other acts.

Use of a "catchall" category is problematic for a few reasons. First, it can result in different treatment of like offenses or violations, or the similar treatment of violations or conduct with varying severity. Second, it can be used to conceal officer misconduct. Third, it inhibits the Monitoring Team's or NPD's ability to analyze NPD's discipline data, as the Neglect of Duty charge can hide the true nature of an officers' underlying misconduct. The scope of this category must be narrowed so that specific offenses such as domestic violence, sexual assault, or supervisor retaliation, to name a few examples, are addressed in separate categories. This type of specificity will allow NPD supervisors to better track the behavior of NPD personnel.

NPD has made progress in narrowing the scope of "Neglect of Duty" by adding additional charges to its draft discipline policy and matrix. The Monitoring Team expects that

NPD will continue to more clearly and narrowly define Neglect of Duty before it is formally reviewed for approval by DOJ and the Independent Monitor. In addition to addressing ambiguity surrounding the Neglect of Duty charge, NPD must ensure that the policy and matrix align with NPD's Internal Affairs: Complaint Intake policy and associated investigative process, which are still in development.

## **2. Training on Disciplinary Process**

NPD must train all applicable personnel within 60 days of DOJ's and the Independent Monitor's approval of the policy. (Consent Decree ¶ 11.) This aggressive schedule suggests that NPD must prepare its training curriculum as it is drafting the policy on which training will be administered. However, it will be difficult for NPD to finalize its training curriculum until the Parties decide how to address the FOP litigation's injunction of the CCRB.

## **H. Civilian Oversight**

Pursuant to Paragraph 13 of the Consent Decree, the City was required to implement a Civilian Oversight Entity by July 12, 2017. The Entity's duties and responsibilities "shall, at a minimum, include the substantive and independent review of internal investigations and the procedures for resolution of civilian complaints; monitoring trends in complaints, findings of misconduct, and the imposition of discipline; and reviewing and recommending changes to NPD's policies and practices, including, but not limited to, those regarding use of force, stop, search, and arrest." As noted in the Second Quarterly Report, the City established a CCRB by Ordinance on March 16, 2016, with the expectation that the CCRB would assume the responsibilities of the Civilian Oversight Entity.

On August 8, 2016, the FOP initiated litigation challenging the power of the CCRB before the Superior Court of New Jersey. On November 2, 2016, the FOP sought – and was granted – an injunction order that partially prevented the CCRB from fulfilling the civilian

oversight function required by the Consent Decree. Subsequently, the City sought – and was granted – an amendment to this injunction order to allow the CCRB to review the Use of Force and Bias-Free Policing policies, and share its comments regarding those policies with the Parties and Monitoring Team. The CCRB has done so, and the City intends to seek further amendment to the injunction that would allow the CCRB to provide comments to other draft policies as they become available. As a result, the CCRB is performing some, but not all, of the functions of the Civilian Oversight Entity called for by the Consent Decree. Given the court-ordered injunction, the City and NPD cannot comply with all of the requirements of Paragraph 13 of the Consent Decree.

On September 7, 2017, at a status conference before the United States District Court for the District of New Jersey, the Honorable Madeline Cox Arleo asked the Parties to confer on how to address the CCRB injunction. Thereafter, having not heard from the Parties, on October 31, 2017, the Independent Monitor sent the Parties a letter requesting that they collectively address this issue. On November 29, 2017, the City wrote to the Independent Monitor, stating that the Parties do not intend to seek modification of the Consent Decree provisions regarding civilian oversight, and understand that this will result in the City’s and NPD’s remaining out of compliance with civilian oversight and discipline (*see* Section IV.G of this Report) provisions of the Consent Decree.

## **I. Community Engagement**

### **1. Meet-the-Monitor Event**

On June 19, 2017, the Independent Monitor held an event to discuss the First Quarterly Report with community members. The event was coordinated by the New Jersey Institute for Social Justice (“NJISJ”), the Monitoring Team’s Community Engagement SME, who partnered with the Ironbound Community Corporation (“ICC”), and was held at St.

Stephan's Church in the West Ward (Third Precinct). There were approximately 25 community members in attendance, and a translator to assist Spanish speakers. At the event, ICC Executive Director Joseph Della Fave provided welcoming remarks. Andrea McChristian of NJISJ introduced the Independent Monitor, who spoke about the results of the First Quarterly Report and how the Consent Decree will change NPD. Community members asked questions about the role of the Independent Monitor, and some shared personal stories of their interactions with NPD officers.

These events are critical in engaging the community with the Consent Decree process. After the Reporting Period, the Monitoring Team hosted a similar event on November 20, 2017 to discuss the Second Quarterly Report. This event will be discussed in the Fourth Quarterly Report.

## **2. Community Forum on the Bias-Free and Use of Force Policies**

On June 27, 2017, NJISJ's Ryan Haygood and Andrea McChristian arranged the first community policy review forum at NAN Newark Tech World in the South Ward (Fourth Precinct). The purpose of this event was to discuss NPD's drafts of the Bias-Free and Use of Force policies and obtain community feedback on those drafts. The event was attended by approximately 60 community members, city council members, Mayor Ras Baraka, high-ranking officials from NPD, including the Public Safety Director, members of the Monitoring Team, and DOJ.

At the event, Dr. Delores Jones-Brown of the Monitoring Team moderated two panels, one for each policy. The panelists for the use of force presentation were: Wayne Fisher of the Monitoring Team; Will Simpson of My Brother's Keeper – Newark; Rutgers Dean Rod Brunson of the Monitoring Team; and the member of the NPD CDPU who was responsible for drafting this policy. The panelists for the bias-free policing presentation were: Kevin Bethel of

the Monitoring Team; Dianna Houenou of the ACLU-NJ; Beatrice Simpkins of the Newark LGBTQ Community Center; and the member of the NPD CDPU who was responsible for drafting this policy.

After hearing presentations from the panelists, community members were invited to ask questions and offer comments. Later, community members were organized into smaller working groups to discuss the policies and some of these groups invited NPD officers to join in their conversation. Community members were also given notecards to submit written questions or comments to NPD. At the conclusion of the event, these cards were collected by the Monitoring Team, and then distributed to NPD.

Consistent with the Path Forward protocol, the Parties discussed the community's comments, and NPD incorporated some of the community's feedback in further revising its Bias-Free and Use of Force policies. NPD also drafted written responses to community questions and comments. You can find these questions and responses on NPD's website, <http://www.npd.newarkpublicsafety.org>, in the "Community Q&A" section.

#### **J. Surveys**

During this Reporting Period, the Monitoring Team sent a proposed commuter survey instrument to a large Newark-based employer for distribution to its workforce. The survey, which seeks information from those employees who work in Newark but live outside the city, is currently under review by the company's internal legal and survey departments. Other than the commuter survey, the Monitoring Team's survey initiatives for the first year have been completed, and can be found in the appendices of our prior quarterly reports.

#### **K. Data Systems Improvements**

During this Reporting Period, NPD has been significantly delayed in its progress regarding the Consent Decree's Data Systems Improvements requirements. The Monitoring

Team has encouraged NPD to retain Information Technology (“IT”) staff, contractors, or independent consultants dedicated solely to assisting NPD in its operations, as this work requires special knowledge and is essential to achieving Consent Decree compliance.

NPD had not retained additional IT staff, or an outside expert or consultant by the close of this Reporting Period. NPD advised the Monitoring Team that it would contract an independent technology consulting group to help NPD conduct a thorough review of its existing police technology infrastructure. The consulting group would develop a gap analysis to identify the technology improvements and investments required by the Consent Decree, assist NPD in selecting appropriate technology systems and solutions to close those gaps, and conform NPD’s systems to best practices. The City and NPD have not formally contracted with a technology consulting group as of the date of this report, and have not provided a timeline for doing so.

The City’s and NPD’s delay in reviewing its existing police-technology infrastructure is problematic for two reasons. First, NPD is relying on outdated computer systems and paper records in its day-to-day functions – which is inefficient and susceptible to error. Second, NPD cannot produce its own policing data for auditing and reporting purposes. This data deficiency impedes the ability of NPD, the Civilian Oversight Entity called for in Consent Decree Paragraph 13, and the Monitoring Team to perform meaningful audits or reviews of NPD’s work.

## **1. Systems Integration**

As is described in the Second Quarterly Report, the Monitoring Team created Data Dictionaries (or Baseline Matrices) to identify which data elements NPD currently collects for each subject area required by the Consent Decree, and to identify current gaps in NPD’s data

collection.<sup>11</sup> The next step after creating the Data Dictionary is for the Monitoring Team to verify whether NPD does, in fact, collect the data elements it claims its systems are designed to collect. Accordingly, on May 19, 2017, the Independent Monitor sent a letter to the Parties outlining a proposed methodology for the first compliance review and audit. The Monitoring Team revised the proposed methodology on August 7, 2017, in part, to reduce the quantity of records that the Monitoring Team would receive and review. These letters, which addressed Consent Decree Paragraph 172 and 173 requirements that the Independent Monitor review, audit, and assess NPD's compliance with the Consent Decree, set forth an audit methodology that would allow the Monitoring Team to perform a baseline review of NPD's data element collection in the areas of (1) stop, search, and arrest; (2) property, evidence, and theft; and (3) training.

After several meetings and calls between NPD and members of the Monitoring Team over a period of several weeks, NPD determined that it is currently unable to produce and deliver the data requested by the Monitoring Team. Also, NPD does not have anyone on staff with the skills to manage its databases or to extract the data required for review.

This data failure is a significant impediment to compliance for a number of reasons. First, the data for stop, search, and arrest, as well as property and evidence, are all data sets pertaining to NPD interactions with members of the public. Because NPD lacks personnel who understand or can provide technical support to the databases that house this data, the

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<sup>11</sup> The Monitoring Team created Data Dictionaries for the following Consent Decree Task Areas: (i) Stop, Search, and Arrest; (ii) Use of Force; Training; (iii) Internal Affairs-Complaint Intake and Investigation and Discipline; and (iv) Internal Affairs-Theft and Property. These Data Dictionaries were intended to assist the Monitoring Team with upcoming Baseline Audits of NPD's systems, and to highlight for NPD those data elements that are required by the Consent Decree, but are not currently being collected. The Monitoring Team also created these Data Dictionaries to support the identification, validation and process related to each data element listed, e.g., who collects the information, when it is documented, the location of the NPD member at the time of data input, whether the data is collected electronically or in paper format, and identification of the system into which the data is entered.

Monitoring Team is concerned that these databases could be at risk for systems failure, which could cause data loss and/or data corruption. Losing this data could jeopardize criminal prosecutions and undermine the public trust in the integrity of NPD's police systems.

Second, the longer NPD takes to provide this important data to the Monitoring Team, the longer the Parties, the Court, and the public must wait to truly understand what progress NPD has – or has not made – in terms of collecting, reporting, and understanding NPD's policing activities, and the longer it will take to both identify these data gaps and develop solutions to fill them. Until NPD can find a way to produce its own data, NPD will be limited in its ability to proceed with the implementation of a *modern* Records Management System or Early Warning System to meet the requirements of the Consent Decree.

While the Monitoring Team has suggested that NPD work with the City of Newark's Information Technology personnel and seek assistance from the vendors who created the various systems NPD uses, NPD has not yet identified a resource to provide the required data. As a result, the Monitoring Team scaled back its initial plans for a comprehensive baseline assessment.

Now, the Monitoring Team has begun to review NPD's data collection process. The Monitoring Team sent NPD a Document Request for ten (10) representative case files from May 2017. In response to this Request, the Monitoring Team received field inquiry reports, incident reports, arrest reports, property and evidence receipts, and other such forms. Each case file, and all forms associated with these files, has a unique Central Complaint number. These case files were a helpful initial response to the Monitoring Team's requests.

The Monitoring Team's review will track these cases from start to finish, assessing what type of data NPD collects as cases progress, whether the information noted in the

Data Dictionaries as being captured by NPD can be found in reports linked to the cases, and whether forms are completed fully and accurately. This review will help the Monitoring Team assess NPD's case flow from start to finish, and allow for the identification of any gaps in the process or misunderstandings in the workflow. This modified approach will help the Monitoring Team understand the data extracts it expects to receive in subsequent reviews and audits, and allow the Monitoring Team to determine if NPD is in fact following processes they have described to us, and ultimately lead to a better understanding of the data once we work through the technical issues of obtaining a data extract. The results from this audit will be provided in the next quarterly report.

## **2. Early Warning System**

The Consent Decree requires NPD to implement an Early Warning System ("EWS"). (Consent Decree ¶¶ 156-57.) An EWS is a data-driven management tool used by police departments to identify police officers with performance and conduct issues that may require early intervention to correct and address certain problems. The Consent Decree requires NPD to develop and implement an EWS that identifies the data NPD needs to collect, and how that data will be analyzed to achieve the goals of the Consent Decree. NPD has acquired the BlueTeam IA Pro module, which is a software program that contains some limited early warning capabilities.

However, implementing IA Pro does not, in and of itself, satisfy the EWS requirement of the Consent Decree because IA Pro tracks only a *limited set of data* about officers' activities, and offers only a *limited set of thresholds/triggers*. For example, because IA Pro does not include data on each search and/or arrest conducted by an officer, analysis of such data is not possible. The Monitoring Team commends NPD for its efforts to use the Blue Team IA Pro module to assist with some of the Consent Decree data collection requirements. But,

again, the City must commit funding and resources to address NPD's technological deficiencies, including the implementation of the robust EWS required by the Consent Decree.

### **3. Records Management System**

The Consent Decree requires the City to provide NPD with sufficient funding and personnel to implement and maintain a Records Management System ("RMS") (Consent Decree ¶ 163) that will make more efficient and effective use of NPD's data (Consent Decree ¶ 162).

NPD has determined that it will procure a RMS solution that includes computer-aided dispatch ("CAD") functionality. The first step in identifying a CAD/RMS that will meet NPD's needs is to document NPD's daily business and operational requirements. As noted above, the City and NPD intend to contract with an independent technology consulting group to assist in this process. The City has neither finalized the contract for the consultant, nor provided a timeline for doing so.

#### **L. In-Car and Body-Worn Cameras**

Consent Decree Paragraph 103 requires NPD to equip all marked patrol cars with video cameras and officers with body cameras and microphones. Consent Decree Paragraph 104 requires NPD to develop policies regarding the proper use of these cameras, as well as appropriate retention of video and audio recordings. As noted in the Second Quarterly Report, NPD had previously implemented a pilot program to introduce the in-car and body-worn cameras within the Division, and to identify and address any technical, logistical, or policy issues of concern. During this Reporting Period, NPD expanded its pilot program and submitted a draft body-worn camera policy to DOJ for written comments. The Monitoring Team commends NPD for its progress in this area.

## **1. In-Car and Body-Worn Cameras Pilot Program**

Last quarter, NPD received a \$350,000 donation from the Panasonic Corporation to support its in-car and body-worn cameras pilot program. This quarter, NPD expanded its body-worn camera pilot in the Fifth Precinct from 4 to 56 cameras, and, for the first time, began to equip its patrol cars with cameras in a pilot program. The in-car camera pilot program currently consists of 15 marked patrol cars in the Fifth Precinct.

NPD has equipped 17 marked patrol cars in the Second Precinct with cameras. NPD will activate those cameras once its officers have been trained. NPD expects to complete that training and activate these Second Precinct in-car cameras in the next quarter.

Looking ahead, NPD intends to purchase 409 body-worn cameras and 87 in-car cameras for the remaining precincts, using a \$2.5 million capital improvement bond from the City.

During this Reporting Period, NPD personnel in the Fifth Precinct received training from NPD's Training Division on New Jersey Attorney General Directive 2015-1, which sets forth mandatory state policy concerning police officers' use of body-worn cameras. Additionally, on June 14 and 15, 2017, Gold Type Business Machines, Panasonic's vendor, provided additional training on how to view, classify, and categorize recordings through the Panasonic Arbitrator software. After this training, SME Former Philadelphia P.D. Deputy Commissioner Kevin Bethel reviewed video footage of NPD personnel handling these cameras and interacting with community members.

NPD's pilot program memorandum, dated April 20, 2017, requires the Fifth Precinct's Integrity Control Officer to review three body-camera recordings from each tour of

duty every week.<sup>12</sup> Under this memorandum, compliance or non-compliance, with Attorney General Directive 2015-1 will be reported to the Newark Public Safety Director for review.

## **2. In-Car and Body-Worn Cameras Policy Revision**

Consent Decree Paragraphs 103 and 104 require NPD to develop a policy that addresses which cars and officers will be equipped with cameras (e.g., where the visibility of a camera might compromise undercover work); the proper use and retention of recorded footage; and privacy protections for Newark residents regarding body-worn camera recordings.

In connection with its application for a BJA grant, NPD has drafted a policy governing the use of body and in-car cameras, which currently governs use of these cameras in the above-described pilot studies. These body and in-car camera policies are currently being reviewed by DOJ and the Monitoring Team.

Last quarter, the Monitoring Team reported that NPD was incorporating in-car camera requirements into the body-worn camera policy. NPD focused its efforts this quarter on revising the body-worn camera section of the policy. On August 10, 2017, NPD submitted a draft body-worn camera policy to DOJ. This draft was based upon the policy that NPD had developed in connection with its BJA grant application. NPD committed to have a final draft of both the body and in-car camera policies – that have been approved by DOJ and the Monitoring Team – by December 31, 2017.

NPD solicited community feedback on its pilot program for the in-car and body camera policy in connection with its application for the BJA grant. NPD posted its draft policy on its Website (<http://npd.newarkpublicsafety.org/index.php>) with a form to receive electronic comments and engaged Rutgers School of Criminal Justice to survey 490 community

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<sup>12</sup> During this reporting period, NPD suspended an officer after body camera footage revealed that the officer had failed to arrest a Newark resident with an outstanding warrant.

residents. NJISJ also provided comments on the draft policy. NPD has informed DOJ and the Monitoring Team that it does not intend to seek further public review on the versions of its body and in-car camera policies that will be approved by DOJ and the Monitoring Team. The Monitoring Team advised NPD that it would be valuable to solicit additional community feedback on its Consent Decree camera policies, because body and in-car cameras have the potential to impact NPD's regular interactions with the community and implicate significant personal privacy concerns. The Monitoring Team recognizes, however, that NPD has already conducted a public survey in connection with its BJA grant application. The Monitoring Team also understands that NPD intends to host a public demonstration of its body-worn cameras at a future date.

#### **IV. NEXT QUARTER ACTIVITIES (OCTOBER 1, 2017 –DECEMBER 31, 2018)**

##### **A. Review and Revision of NPD Policies**

The Newark Public Safety Director and Independent Monitor have agreed on a schedule to revise NPD's policies associated with four core areas of the Consent Decree by December 31, 2017: (a) Internal Affairs: Complaint Intake; (b) Body-Worn and In-Car Cameras; (c) Stop, (d) Search, (e) Arrest; (f) Firearms and Other Weapons; and (g) Reporting, Investigation and Review (which includes provisions related to the All-Force Investigation Team). This will require DOJ and the Monitoring Team to complete their review and comment under expedited timeframes, and the Independent Monitor expects – and has confidence that – DOJ and the Monitoring Team will do so. The goal is to have NPD complete Consent Decree policy writing tasks much sooner and with a high-quality work product. Having final new and revised modern policing policies adapted by NPD will lay the foundation for NPD members to receive training on these policies by mid-2018.

These above subject areas address police activities that most directly affect Newark community members and were at the center of DOJ's 2014 Investigation Report, which ultimately resulted in the Consent Decree.<sup>13</sup> Once NPD revises its policies in these areas to reflect best practices, and trains its members on those best practices, the Independent Monitor expects Newark community members and visitors to the City to begin to experience significant improvements in their day-to-day interactions with NPD members.

### **B. Training**

The Newark Public Safety Director and Independent Monitor have also agreed to prioritize training on key policy areas by June 30, 2018: (1) all relevant NPD personnel will receive training on the new Bias-Free Policing policy; (2) NPD will finalize all training curricula for the policies discussed above; and (3) NPD will have begun administering some of the training for those policies.

To meet this deadline, NPD and the City *must* (i) dedicate significant time and resources in the next quarter to hiring vendors to assist in developing the training material; (ii) create a master schedule that addresses the logistical challenges to complete the required training; and (iii) begin to develop the training materials as the policies are being finalized. The Monitoring Team also strongly recommends that NPD hire a Training Director in the next quarter who can oversee the difficult logistics of administering numerous trainings to over one thousand officers in a short period of time.

### **C. Audits, Compliance Reviews and Outcome Assessments**

As discussed above, the Monitoring Team's auditing efforts have been hindered by NPD's inability to export and provide adequate data from its systems. However, in the next

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<sup>13</sup> A copy of DOJ's Investigation Report is on the Independent Monitor's website and is Appendix A to the First Quarterly Report.

quarter, the Monitoring Team will complete its review of the ten cases it requested and associated forms discussed above, which will allow the Team to identify any gaps in NPD's current reporting practices. Because the reporting forms include information regarding NPD's justifications for making stops, searches, and arrests, the Monitoring Team also anticipates providing an initial analysis of whether NPD is satisfying its requirement to properly articulate reasonable suspicion or probable cause for making stops, searches, and arrests. Finally, the Monitoring Team will complete its review of OPS (Internal Affairs) cases and provide the results in subsequent reporting.

## **V. CONCLUSION**

During the first year of the Consent Decree, the Monitoring Team was encouraged by NPD's initial efforts to implement the Consent Decree requirements. The delays in the City's and NPD's policy development, training curricula development, creation of a master calendar for administering training, and purchasing new technology to improve NPD's IT systems have slowed NPD's ability to institute necessary reforms to its policing practices, and achieve Consent Decree compliance. These delays have also hindered the Monitoring Team's ability to audit NPD's practices. The Monitoring Team expects that the City and NPD will address these obstacles to compliance, and develop an infrastructure that will allow it to proactively plan for upcoming deadlines. The Monitoring Team remains dedicated to working with NPD and the Parties to achieve this goal.

## **VI. APPENDICES**

- A. Chronology of Key Events**
- B. Deadline Compliance Chart**

## APPENDIX A

## Chronology of Key Events

Date	Event
<b>Recurring</b>	Bi-weekly telephone conference with Parties and members from the Monitoring Team to discuss status of Consent Decree tasks.
<b>Recurring</b>	Weekly meeting with Monitoring Team Liaison and NPD Consent Decree & Planning Unit (“CDPU”) regarding Consent Decree implementation.
<b>June 1, 2017</b>	Status conference before the Honorable Madeline Cox Arleo, United States District Court Judge for the District of New Jersey.
<b>June 8-9, 2017</b>	CDPU personnel attend “Fair & Impartial Policing” training.
<b>June 14-15, 2017</b>	NPD personnel from the Fifth Precinct receive training on how to view, classify, and categorize body-worn camera recordings through the Panasonic Arbitrator software.
<b>June 19, 2017</b>	The Independent Monitor holds a community event at St. Stephan’s Church in the west ward to discuss the First Quarterly Report. The event is coordinated by NJISJ in partnership with the Ironbound Community Corporation.
<b>June 22, 2017</b>	CDPU personnel attend “21 <sup>st</sup> Century Urban Policing” lecture at Rutgers University, wherein the Independent Monitor delivered remarks.
<b>June 27, 2017</b>	NJISJ arranges the first community policy review forum at NAN Newark Tech World in the south ward. Community members discuss and provide feedback on drafts of NPD’s Bias-Free and Use of Force policies. Approximately 60 community members attend the forum, as well as city council members, Mayor Ras Baraka, high-ranking officials from NPD, including the Director, members of the Monitoring Team, and DOJ.
<b>June 27, 2017</b>	The Parties and members of the Monitoring Team hold a meeting at NPD Headquarters in Newark to discuss NPD’s timeline for completing policy revisions.
<b>June 27-28, 2017</b>	New Jersey State Police provide a two-day training course on basic internal investigation techniques to select NPD personnel.
<b>July 6, 2017</b>	CDPU and NPD personnel visit the Philadelphia Police Department along with members of the Monitoring Team to discuss “Community Policing Strategy.”
<b>July 19, 2017</b>	Meeting between CDPU, NPD personnel, and members of the Monitoring Team on “Technology Integration.”
<b>July 21, 2017</b>	The Parties and members of the Monitoring Team hold a kick-off meeting at the United States Attorney’s Office in Newark to discuss the development of the Property and Evidence Control Policy.
<b>July 31, 2017</b>	The Parties and members of the Monitoring Team hold a kick-off meeting at the United States Attorney’s Office in Newark to prepare for the development of the Community Policing Policy.
<b>August 4, 2017</b>	The Virginia Center for Policing Innovation provides NPD its model community policing and bias-free policing training curriculum.

Date	Event
<b>August 9, 2017</b>	The Parties and members of the Monitoring Team hold a meeting at the United States Attorney's Office in Newark to discuss incorporating community feedback into policies as well as revisions to the Stop, Search, and Arrest policies.
<b>August 16, 2017</b>	The Parties and members of the Monitoring Team have a telephone conference to discuss incorporating community feedback into the Bias-Free policing policy.
<b>September 7, 2017</b>	Status conference before the Honorable Madeline Cox Arleo, United States District Court Judge for the District of New Jersey.
<b>September 19, 2017</b>	NPD completes its new Bias-Free Policing policy after incorporating community feedback. The policy was reviewed and approved by DOJ and the Independent Monitor.
<b>September 21, 2017</b>	NPD issues its Bias-Free Policing policy to all NPD personnel.
<b>September 27-29, 2017</b>	VCPI conducts a "train-the-trainer" course for the Phase I community policing and bias-free policing training at Berkeley College, Newark Campus.
<b>September 29, 2017</b>	NPD completes its new Use of Force policy after incorporating community feedback. The policy was reviewed and approved by DOJ and the Independent Monitor.

## APPENDIX B

## **Consent Decree Compliance and Implementation**

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## **I. Definitions**

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

### **1. Not Assessed**

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

### **2. Initial Development**

"Initial Development" means that during the auditing period, NPD has taken meaningful steps toward achieving compliance with a Consent Decree requirement that is not yet scheduled for completion. Initial Development will be noted only if NPD's efforts are consistent with established timeframes in the Monitoring Plan or Consent Decree. Where NPD was expected to have achieved at least Initial Development during the auditing period, and has not, NPD has been found not to be in compliance.

### **3. Preliminary Compliance**

"Preliminary Compliance" means that during the reporting period, NPD has developed, and the Independent Monitor, DOJ, and City have approved, respective policies or standard operating procedures ("SOPs") and related training materials that are consistent with a Consent Decree requirement. This category only applies to SOPs and training.

#### **4. Operational Compliance**

“Operational Compliance” means that NPD has satisfied a Consent Decree requirement by demonstrating routine adherence to the requirement in its day-to-day operations or by meeting the established deadline for a task or deliverable that is specifically required by the Consent Decree or Monitoring Plan. NPD’s compliance efforts must be verified by reviews of data systems, observations from the Monitoring Team, and other methods that will corroborate its achievement. In this report, the Monitoring Team only will assess NPD for compliance with established deadlines.

#### **5. Non-Compliance**

“Non-Compliance” means that NPD has either made no progress towards accomplishing compliance, or has not progressed beyond Initial Development at the point in time when NPD is expected to have at least achieved Preliminary Compliance for the reporting period.

#### **6. Administrative Compliance**

“Administrative Compliance” means that during the auditing period, NPD has completed all necessary actions to implement a Consent Decree requirement, but General Compliance has not yet been demonstrated in NPD’s day-to-day operations.

#### **7. Full Compliance**

“Full Compliance” means that all Monitor reviews have determined that NPD has maintained Operational Compliance for the two-year period.

## II. Use of Force

Achievement	Deadline for Achievement	Status	Discussion
<b>Develop Use of Force Policy: 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. The policy or policies will clearly define each force option and specify that unreasonable use of force will subject officers to discipline. (§§ 66-74)</b>			
NPD will review and revise its current use of force policy or policies to ensure compliance with Consent Decree.	March 2, 2017	Initial Development (achieved after deadline)	See Third Quarterly Report, Section III(A)(1).
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 SOP	Not Assessed	The deadline has not passed. The Monitor will assess this requirement in a future report.
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (§ 11)	Within 60 days after approval of SOP	Initial Development	See Third Quarterly Report, Section III(A)(2).
<b>Audit of NPD Firearms Certification Oversight (§§ 70-71, 74)</b>			
NPD will provide resources for officers to maintain proper weapons certifications and will implement sanctions for officers who fail to do so. Officers will be prohibited from using unauthorized weapons or ammunition. (§§ 70, 71, 74)	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.

**Use of Force Continued**

Achievement	Deadline for Achievement	Status	Discussion
<p><b>NPD Use of Force Reporting and Investigation: 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. (¶¶ 75-85)</b></p>			
<p>NPD will develop a mechanism by which use of force and citizen interaction complaints are reviewed by training staff to form the basis of changes in training to address the issues arising from these complaints.</p>	<p>January 9, 2017</p>	<p>Non-Compliance</p>	<p>NPD has failed to develop this mechanism. Discussions are underway as to whether it should be included in the upcoming policies addressing Internal Affairs issues.</p>
<p>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.</p>	<p>November 15, 2017</p>	<p>Not Assessed</p>	<p>This deadline passed after the Reporting Period. The Monitor will assess this requirement in its subsequent report.</p>
<p><b>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 - 84, 86-94)</b></p>			
<p>NPD will create and implement (1) a General Order establishing the SFIT to ensure sufficient staffing consistent with ¶ 92 of the Consent Decree; and (2) General Orders establishing line supervisors’ responsibilities to investigate lower and intermediate use of force incidents.</p>	<p>February 1, 2017</p>	<p>Non-Compliance</p>	<p>See Third Quarterly Report, Section III(A)(1).</p>

**Use of Force Continued**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶ 11)	Within 60 days after approval of General Orders	Not Assessed	The General Order was not approved during this quarter.
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 General Orders	Not Assessed	The General Order was not approved during this quarter.
NPD will issue a report, analyzing the data in its officer force reports and supervisor investigative reports and identifying significant trends, as well as policies and practices that need to be revised. (¶¶ 85, 168)	June 5, 2017	Non-Compliance	NPD has not issued this report.
<b>NPD will maintain a Use of Force Review Board (“UFRB”) to conduct timely, comprehensive and reliable reviews of all Intermediate and Serious Force incidents, in accordance with the requirements set forth in the Consent Decree. (¶¶ 88, 95, 96, 98, 102)</b>			
NPD will create a General Order establishing the UFRB to ensure that it is staffed consistent with Consent Decree provisions, and to ensure that the responsibilities assigned are consistent with Consent Decree provisions.	May 1, 2017	Non-Compliance	See Third Quarterly Report, Section III(A)(1).
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, which will provide the UFRB with 8 hours of training. (¶¶ 11, 97)	Within 60 days after approval of General Order	Not Assessed	The General Order was not approved during this quarter.
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶ 11)	Within 60 days after approval of General Order	Not Assessed	The General Order was not approved during this quarter.

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD's UFRB will review SFIT and Intermediate Force investigation findings. (¶¶ 13, 96-101)	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.

**III. Stop, Search and Arrest**

Achievement	Deadline for Achievement	Status	Discussion
<p><b>Phase I: NPD will provide all officers with 16 hours of training on stops, searches, and arrests by November 1, 2017. (¶ 43)</b>  <b>Note: NPD has decided to divide training into two phases. The first phase will cover the topics set forth in ¶ 43 of the consent decree.</b></p>			
<p>Phase I: NPD to 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.</p>	<p>November 1, 2017</p>	<p>Not Assessed</p>	<p>This deadline passed after the Reporting Period. The Monitor will assess this requirement in its subsequent report.</p>
<p>NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶ 11)</p>	<p>Within 60 days after approval of the General Order.</p>	<p>Not Assessed</p>	<p>The General Order was not approved during this quarter</p>
<p><b>Phase II: NPD will revise policies in accordance with ¶¶ 25-42, 55-62 of the Consent Decree. NPD will begin “Phase II” training modules for the revised policies, in accord with the steps for “Phase I” training outlined above, upon the Monitor and DOJ’s approval of the revised SOP.</b></p>			

NPD will review and revise its current stop, search, and arrest policy or policies to ensure compliance with Consent Decree.	September 4, 2017	Initial Development	See Third Quarterly Report, Section III(C)(1).
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## Stop, Search and Arrest Continued

Achievement	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 SOP.	Not Assessed	The General Order was not approved during this quarter.
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (§ 11)	Within 60 days after approval of SOP.	Not Assessed	The General Order was not approved during this quarter
<b>By November 1, 2017, 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)</b>			
NPD will develop a data collection form to ensure compliance with Consent Decree.	November 1, 2017	Not Assessed	This deadline passed after the Reporting Period. The Monitor will assess this requirement in its subsequent report.
NPD will train officers to use specific and individualized descriptive language in reports or field inquiry forms. (§ 26)	November 1, 2017	Not Assessed	This deadline passed after the Reporting Period. The Monitor will assess this requirement in its subsequent report.

**Stop, Search and Arrest Continued**

Achievement	Deadline for Achievement	Status	Discussion
<b>Data Analysis Protocol: 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)</b>			
NPD will review its current data capacity and identify the gaps between its current data capacity and the capacity required by the Consent Decree.	December 1, 2016	Non-Compliance	See Third Quarterly Report, Section III(C), (J).
NPD will develop categories, and fields for capturing the data required by the Consent Decree.	December 1, 2016	Non-Compliance	See Third Quarterly Report, Section III(C), (J).
NPD will create protocol for comprehensive analysis of stop, search and arrest data.	April 3, 2017	Non-Compliance	See Third Quarterly Report, Section III(C), (J).
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 protocol was not approved during this quarter.
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶ 11)	Within 60 days after approval of protocol.	Not Assessed	The protocol was not approved during this quarter.

### Stop, Search and Arrest Continued

Achievement	Deadline for Achievement	Status	Discussion
<p><b>Data Report: On at least an annual basis, NPD will issue reports summarizing and analyzing the data collected on its stops, searches, arrests, and uses of force. The report will also set forth the steps taken by the NPD to correct problems and build on successes indicated by the data. (§ 168)</b></p> <p><b>Although NPD has summaries of data related to stops, searches, and arrests, and uses of force on its website, NPD has not prepared a report in connection with the data that satisfies § 168.</b></p>			
NPD will provide draft report to Monitor and Parties.	May 12, 2017	Non-Compliance	NPD has not provided a draft report to the Monitoring Team or Parties.
Based on feedback from the Monitor and Parties, NPD will finalize a report 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.	July 1, 2017	Non-Compliance	NPD has not provided a report to the Monitoring Team or Parties.
NPD supervisors to take appropriate action to address violations or deficiencies in stops, detentions, searches, and arrests; maintain records; identify repeat violators. (§ 48)	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.

**IV. Theft**

Achievement	Deadline for Achievement	Status	Discussion
<b>Implement Chain of Custody and Inventory Policy: The 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, 110)</b>			
NPD will create a chain of custody and inventory policy or policies to ensure compliance with paragraph 110 of the Consent Decree.	April 1, 2017	Non-Compliance	See Third Quarterly Report, Section III(E)(3).
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 SOP	Not Assessed	The SOP was not approved during this quarter.
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (§ 11)	Within 60 days after approval of SOP	Not Assessed	The SOP was not approved during this quarter.
<b>NPD Internal Review of Disciplinary Files: NPD will review 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)</b>			

**Theft Continued**

Achievement	Deadline for Achievement	Status	Discussion
NPD will provide a report to the Monitor and supporting documents identifying officers handling contraband or cash.	May 17, 2017	Operational Compliance	See First Quarterly Report, Section V(C)(6).
<b>Transfer of NPD officers: To the extent permitted by law and NPD’s collective bargaining agreements, NPD officers identified as having a sustained complaint of theft, or two not sustained or unfounded complaints of theft occurring within one year, will be moved out of positions where those officers have access to money, property, and evidence. (§ 108)</b>			
NPD shall transfer all officers meeting the criteria set forth in § 108, or provide written explanations as to why an officer cannot be transferred under the law or a collective bargaining agreement.	Date to be determined based on City’s review of legal requirements and collective bargaining agreements	Operational Compliance	See First Quarterly Report, Section V(C)(6).
<b>NPD Audits: NPD will conduct and document periodic audits and inspections of the property room and immediately correct any deficiencies. (§ 111)</b>			
NPD will create an audit and inspection plan to ensure compliance with Consent Decree, subject to approval by the DOJ and Monitor.	December 28, 2016	Operational Compliance	See First Quarterly Report, Section V(C)(1).
NPD will conduct first audit and inspection of all cash, jewelry, and bulk receipts of narcotics in the property room.	January 31, 2017	Operational Compliance	The audit was not completed in full before the deadline, but has since been completed. See Second Quarterly Report, Section IV(C)(2).

**V. Internal Affairs: Complaint Intake and Investigation**

Achievement	Deadline for Achievement	Status	Discussion
<b>Within 180 days of the Operational Date [January 9, 2017], NPD will create a training curriculum and/ or training bulletins for police personnel, including dispatchers, to properly handle complaint intake, including how to provide complaint materials and information; the consequences for failing to take complaints; and strategies for turning the complaint process into positive police-civilian interaction. (¶ 116)</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.	January 9, 2017	Non-Compliance	See Third Quarterly Report, Section III(F)(1).
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶ 11)	January 9, 2017	Non-Compliance	See Third Quarterly Report, Section III(F)(1).

### Internal Affairs: Complaint Intake and Investigation Continued

Achievement	Deadline for Achievement	Status	Discussion
Within 365 days of the Operational Date [July 12, 2017], NPD and City, in collaboration with the civilian oversight entity or other community input, will develop and implement a program to publicize to the Newark Community about how to make police misconduct complaints. (¶ 112).	July 12, 2017	Non-Compliance	This program has not been implemented or publicized in this quarter.
NPD and City will make forms and other materials outlining the complaint process and OPS contact information available on their websites and appropriate government properties. (¶ 113)	Ongoing	Operational Compliance; Not Assessed	Operational compliance as to NPD’s website, which provides OPS contact information, outlines the complaint process, and provides a complaint submission form. The Monitor will further assess this requirement during compliance audits.
NPD will accept all complaints, by all methods and forms detailed in ¶ 114.	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will provide civilians, including complainants and witnesses to alleged police misconduct, with full access to NPD’s complaint process. (¶ 115)	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD and City, in collaboration with civilian oversight entity, will prepare enabling directives and protocols establishing the program.	April 3, 2017	Non-Compliance	NPD is unable to collaborate with civilian oversight entity due to court-ordered injunction issued in ongoing litigation.

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</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.	Within 60 days after approval of protocol	Not Assessed	The protocol was not approved in this quarter.
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶ 11)	Within 60 days after approval of protocol	Not Assessed	The protocol was not approved in this quarter.

**Internal Affairs: Complaint Intake and Investigation Continued**

Achievement	Deadline for Achievement	Status	Discussion
<b>Transparent Complaint Process: NPD revise its policies to prohibit practices that discourage complainants and witnesses from coming forward, including the requirements set forth in paragraph ¶ 115.</b>			
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.	March 3, 2017	Non-Compliance	See Third Quarterly Report, Section III(F)(2).
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.	Within 60 days after approval of SOP	Not Assessed	The SOP was not approved in this quarter.
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶ 11)	Within 60 days after approval of SOP	Not Assessed	The SOP was not approved in this quarter.
NPD will conduct audits to identify officers/ 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. NPD will take appropriate disciplinary actions against such officers, as set forth in ¶¶ 117-118.	First audit to take place by October 12, 2017	Not Assessed	The deadline has not passed. The Monitor will assess this requirement in a future report.

**Internal Affairs: Complaint Intake and Investigation Continued**

Achievement	Deadline for Achievement	Status	Discussion
<p><b>NPD Misconduct Reporting and Investigation Process: 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)</b></p>			
<p>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)</p>	<p>Ongoing</p>	<p>Not Assessed</p>	<p>The Monitor will assess this requirement during compliance audits.</p>
<p>NPD will create an OPS Notification protocol to ensure compliance with the Consent Decree</p>	<p>May 1, 2017</p>	<p>Non-Compliance</p>	<p>See Third Quarterly Report, Section III(F)(2)</p>
<p>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.</p>	<p>Within 60 days after approval of protocol.</p>	<p>Not Assessed</p>	<p>The protocol was not approved in this quarter.</p>
<p>NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (§ 11)</p>	<p>Within 60 days after approval of protocol.</p>	<p>Not Assessed</p>	<p>The protocol was not approved in this quarter.</p>
<p>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)</p>	<p>June 5, 2017</p>	<p>Non-Compliance</p>	<p>See Third Quarterly Report, Section III(F)(1).</p>

**Internal Affairs: Complaint Intake and Investigation Continued**

Achievement	Deadline for Achievement	Status	Discussion
<b>Complaint Classification Protocol: NPD will adopt 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)</b>			
NPD will implement complaint classification protocol to ensure compliance with Consent Decree.	May 1, 2017	Non-Compliance	See Third Quarterly Report, Section III(F)(2).
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.	Within 60 days after approval of protocol.	Not Assessed	The protocol was not approved in this quarter.
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (§ 11)	Within 60 days after approval of protocol.	Not Assessed	The protocol was not approved in this quarter.
Monitor will review all misconduct allegation case assignments to ensure they are properly classified and assigned consistent with NPD classification protocol.	Ongoing after May 1, 2017	Not Assessed	The Monitor will assess this requirement during compliance audits.
OPS will perform the tasks set forth in §§ 122, 124.	Year Two	Not Assessed	The deadline has not passed. The Monitor will assess this requirement in a future report.
<b>NPD will maintain a centralized numbering and tracking system for all misconduct complaints. (§ 125)</b>			
NPD will create a protocol to link an “event” number retrieved from the CAD, which enables NPD to provide a complainant with an identifying number in real time and otherwise comply with the Consent Decree.	May 1, 2017	Non-Compliance	See Third Quarterly Report, Section III(F)(2).

**Internal Affairs: Complaint Intake and Investigation Continued**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD will improve OPS' complaint tracking and assessment practices in accordance with ¶ 149.	Year Two	Not Assessed	The deadline has not passed. The Monitor will assess this requirement in a future report.
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)	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)	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
<b>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)</b>			
NPD will review and revise its current OPS policy to require training of OPS investigators.	July 31, 2017	Non-Compliance	See Third Quarterly Report, Section III(F)(1), (2).
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.	Within 60 days after approval of SOP.	Not Assessed	The protocol was not approved in this quarter.

**Internal Affairs: Complaint Intake and Investigation Continued**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶ 11)	Within 60 days after approval of SOP.	Not Assessed	The protocol was not approved in this quarter.

## VI. Community Engagement and Civilian Oversight

Achievement	Deadline for Achievement	Status	Discussion
<b>Community Policing: NPD will provide its officers training on the benefits and means to achieve effective community engagement. (¶ 14)</b>			
<b>Note: NPD will divide training into two phases. Phase I: train all NPD personnel on general principles of community policing. Phase II: train all NPD personnel on revised NPD policies related to community policing.</b>			
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. (¶ 14)	July 9, 2017	Initial Development	See Third Quarterly Report, Section III(B)(3).
NPD will review and revise its current community policing policy or policies to ensure compliance with Consent Decree.	June 6, 2017	Non-Compliance	See Third Quarterly Report, Section III(B)(1)(a).
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 SOP	Not Assessed	The SOP was not approved during this quarter.
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶ 11)	Within 60 days after approval of SOP	Initial Development	See Third Quarterly Report, Section III(B)(3).
<b>Evaluation of Community Policing Protocol: By February 7, 2017, NPD will implement a protocol to periodically measure the breadth, extent, and effectiveness of its community partnerships and problem-solving strategies, including officer outreach, particularly outreach to youth. (¶ 17)</b>			

### Community Engagement and Civilian Oversight Continued

Achievement	Deadline for Achievement	Status	Discussion
NPD will submit first drafts of its measurement mechanisms to the Monitor and DOJ for review.	October 10, 2016 <sup>1</sup>	Non-Compliance	The measurement was not submitted to the Monitor or DOJ in this quarter.
NPD will submit a final draft of the measurement mechanism.	November 15, 2016 <sup>2</sup>	Non-Compliance	The measurement was not submitted to the Monitor or DOJ in this quarter.
NPD will begin implementing the measurement mechanisms.	February 7, 2017	Non-Compliance	The measurement was not submitted to the Monitor or DOJ in this quarter.
NPD will prepare a publicly available report of its community policing efforts overall and in each precinct, including specific problems addressed and steps taken by NPD and the community toward their resolution. (¶ 18)	March 9, 2017	Non-Compliance	NPD has not published this report in this quarter.
<b>By July 9, 2017, 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, such assessment and modified strategy to be provided to the DOJ and Monitor for approval. (¶ 15)</b>			
NPD will conduct review of its current staffing allocation and personnel deployment and develop a community policing strategy that involves all officers assigned to policing precincts, including the Community Policing Officers.	October 30, 2016	Initial Development	See Third Quarterly Report, Section III(B)(2).

<sup>1</sup> The deadline for this achievement was inadvertently recorded in the First Year Monitoring Plan as October 10, 2017.

<sup>2</sup> The deadline for this achievement was inadvertently recorded in the First Year Monitoring Plan as November 15, 2017.

<p>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)</p>	<p>January 1, 2017</p>	<p>Not Assessed</p>	<p>NPD has selected community service officers. Compliance with the substantive requirements for these officers will be assessed during compliance audits.</p>
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### Community Engagement and Civilian Oversight Continued

Achievement	Deadline for Achievement	Status	Discussion
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.	July 9, 2017	Non-Compliance	See Third Quarterly Report, Section III(B)(2).
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 SOP	Not Assessed	The SOP was not approved during this quarter.
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶ 11)	Within 60 days after approval of SOP	Not Assessed	The SOP was not approved during this quarter.
Within 365 days of the Operational Date [July 12, 2017], the City will establish through executive order and/or municipal legislation a civilian oversight entity to assess and review NPD’s efforts to comply with the Consent Decree. (¶ 13)	July 12, 2017	Operational Compliance (pending litigation)	See Third Quarterly Report, Section III(H)(1).
NPD will meet with the civilian oversight entity to discuss data, policies, and reporting being made available to the public, and rationales for not disclosing certain data, policies, and reporting.	Year two [October ’17-October ’18]	Not Assessed	The deadline has not passed. The Monitor will assess this requirement in a future report.

**VII. Bias-Free Policing**

Achievement	Deadline for Achievement	Status	Discussion
<p><b>Phase I: NPD to provide officers with 8 hours of training on bias-free policing by July 1, 2017. (¶ 63)</b></p>			
<p><b>Note: NPD intends to divide training into two phases. Phase I: train all applicable NPD personnel on bias-free policing. Phase I training will be conducted in connection with community policing training. Phase II: train all NPD personnel on revised NPD policies related to bias-free policing.</b></p>			
<p>Phase I: NPD will provide all NPD personnel with a minimum of eight hours of training on bias-free policing.</p>	<p>July 1, 2017</p>	<p>Non-Compliance</p>	<p>See Third Quarterly Report, Section III(B)(3).</p>
<p>NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶ 11)</p>	<p>Within 60 days after approval of SOP</p>	<p>Not Assessed</p>	<p>The deadline has not passed. The Monitor will assess this requirement in a future report.</p>
<p><b>Phase II: NPD will revise policies in accordance with ¶ 64 of the Consent Decree. NPD will begin “Phase II” training modules for the revised policy.</b></p>			
<p>NPD will review and revise its current bias-free policing policy or policies to ensure compliance with Consent Decree.</p>	<p>August 28, 2017</p>	<p>Initial Development</p>	<p>See Third Quarterly Report, Section III(B)(1)(b).</p>

<p>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)</p>	<p>Within 60 days after approval of SOP</p>	<p>Not Assessed</p>	<p>The deadline has not passed. The Monitor will assess this requirement in a future report.</p>
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**Bias-Free Policing Continued**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶ 11)	Within 60 days after approval of SOP	Not Assessed	The deadline has not passed. The Monitor will assess this requirement in a future report.
<b>NPD will conduct quarterly demographic analyses of its enforcement activities to ensure bias-free policing. (¶65)</b>			
NPD will conduct quarterly demographic analyses of its enforcement activities to ensure bias-free policing. (¶65)	Quarterly	Non-Compliance	NPD has not conducted this analysis.
NPD will update its data systems so that it has the capacity to conduct demographic analyses of its enforcement activities.	October 30, 2017	Not Assessed	The deadline has not passed. The Monitor will assess this requirement in a future report.

**VIII. Data Systems Improvement: Early Warning and Records Management Systems**

Achievement	Deadline for Achievement	Status	Discussion
<b>Early Warning System: Within one year of the Effective Date [May 5, 2017], NPD will enhance its Early Warning System so as to comply with the requirements set forth in the Consent Decree. (§§ 156-165)</b>			
NPD will enhance its Early Warning System to support the effective supervision and management of NPD officers. (§ 156)	May 5, 2017	Non-Compliance	See Third Quarterly Report, Section III(J)(2).
NPD to submit funding request to City, which sets forth the necessary enhancements to its Early Warning System and estimated costs.	November 28, 2016	Non-Compliance	See Third Quarterly Report, Section III(J)(2).
City will provide sufficient funding to NPD to enhance its Early Warning System. (§ 156)	Before March 30, 2017	Non-Compliance	See Third Quarterly Report, Section III(J)(2).
NPD will develop and implement a data protocol describing information to be recorded and maintained in the Early Warning System. (§ 157)	February 6, 2017	Non-Compliance	See Third Quarterly Report, Section III(J)(2).

**Data Systems Improvement: Early Warning and Records Management Systems Continued**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
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)	September 11, 2017	Non-Compliance	See Third Quarterly Report, Section III(J)(2).
Monitor current EWS process (referred to as the NPD “Performance Monitoring Plan”). (¶ 161)	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
Implement automated EWS solution. (¶¶ 160, 161)	October 23, 2017	Not Assessed	This deadline passed after the Reporting Period. The Monitor will assess this requirement in its subsequent report.
City will provide sufficient funding and personnel to NPD so NPD can revise its use and analysis of its Record Management System. (¶ 162)	Year 2 [October ’17-October ’18]	Not Assessed	The deadline has not passed. The Monitor will assess this requirement in a future report.
NPD will revise its use and analysis of its Record Management System so it can make efficient and effective use of the data in the System. (¶ 162)	Year 2 [October ’17-October ’18]	Not Assessed	The deadline has not passed. The Monitor will assess this requirement in a future report.
Implement automated RMS solution	Year 2 [October ’17-October ’18]	Not Assessed	The deadline has not passed. The Monitor will assess this requirement in a future report.

## IX. Discipline

Achievement	Deadline for Achievement	Status	Discussion
<b>NPD will establish a unified system for reviewing sustained findings and applying the appropriate level of discipline pursuant to NPD's disciplinary guidance. NPD will document all disciplinary decisions, including the rationale for any decision to deviate from the level of discipline set out in the disciplinary matrix. (¶ 154)</b>			
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)	October 10, 2016	Non-Compliance	See Third Quarterly Report, Section III(G).
NPD will implement disciplinary guidance for its personnel that addresses the topics addressed in ¶ 153 of the Consent Decree.	October 10, 2016	Non-Compliance	See Third Quarterly Report, Section III(G).
NPD will establish a unified system for reviewing sustained findings and applying the appropriate level of discipline pursuant to NPD's disciplinary guidance. (¶ 154)	March 9, 2017	Non-Compliance	See Third Quarterly Report, Section III(G).
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 disciplinary guidance	Not Assessed	The General Order and Disciplinary Matrix were not approved during this quarter.
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶ 11)	Within 60 days after approval of disciplinary guidance	Not Assessed	The General Order and Disciplinary Matrix were not approved during this quarter.
NPD will conduct annual reviews of its disciplinary process and actions. (¶ 155)	July 12, 2017	Non-Compliance	See Third Quarterly Report, Section III(G).

**X. In-Car and Body-Worn Cameras**

Achievement	Deadline for Achievement	Status	Discussion
<b>NPD will develop a policy to designate which cars and officers are exempt from the general in-car and body-worn camera requirements. (¶103)</b>			
NPD will review and revise its current policy or policies to ensure compliance with Consent Decree.	November 1, 2017	Initial Development	See Third Quarterly Report, Section III(K)(2).
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 the SOP	Not Assessed	The SOP was not approved during this quarter.
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶ 11)	Within 60 days after approval of the SOP	Not Assessed	The SOP was not approved during this quarter.
<b>In consultation with the DOJ and Monitor, NPD will develop a policy regarding footage and audio recordings from its in-car and body-worn cameras. (¶ 104)</b>			
NPD will review and revise its current policy or policies to ensure compliance with Consent Decree.	November 1, 2017	Initial Development	See Third Quarterly Report, Section III(K)(2).
NPD will create a training curriculum for (1) NPD personnel who are responsible for storing body and car camera footage and audio on, and (2) officers on the revised policy, upon the Monitor and DOJ's approval of the SOP. (¶ 11)	Within 60 days after approval of SOP	Not Assessed	The SOP was not approved during this quarter.

**In-Car and Body-Worn Cameras Continued**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶ 11)	Within 60 days after approval of SOP	Not Assessed	The SOP was not approved during this quarter.
<b>NPD will begin the work required to equip all marked patrol cars with video cameras and require all officers, except those set forth in ¶¶103-104, to wear body cameras and microphones with which to record enforcement activity. (¶ 103)</b>			
NPD will conduct pilot program on body worn and develop recommendations for possible device implantation based on the results of the pilot.	November 1, 2017	Initial Development	See Third Quarterly Report, Section III(K)(1).

**XI. General Officer Training**

Achievement	Deadline for Achievement	Status	Discussion
<p><b>NPD will provide officers at least 40 hours of in-service training each year. NPD will provide additional training as necessary to address changes in the law, or issues identified through its review of use of force incidents, arrest reports, misconduct complaints, or other means. All training will be consistent with and incorporate current law, professional police standards and best practices. (¶¶ 9, 14)</b></p> <p><b>Note: The timelines for training requirements in other Sections of the Consent Decree (e.g., use of force, bias policing), are located in those Sections of this Chart.</b></p>			
<p>NPD will review and revise its current General Orders to ensure compliance with Consent Decree.</p>	<p>October 1, 2017</p>	<p>Initial Development</p>	<p>See Third Quarterly Report, Section III(B).</p>
<p>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)</p>	<p>Within 60 days after approval of individual SOPs</p>	<p>Not Assessed</p>	<p>The SOPs were not approved during this quarter.</p>
<p>NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶ 11)</p>	<p>Within 60 days after approval of individual SOPs</p>	<p>Not Assessed</p>	<p>The SOPs were not approved during this quarter.</p>
<p><b>NPD and Monitor Team to review the recruit training being provided by the State and NPD for newly hired members.</b></p>			

**General Officer Training Continued**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD and Monitor will review the current State and NPD curricula and course materials for new recruits to identify areas where State/NPD curricula differs from the Consent Decree.	April 17, 2017	Preliminary Compliance	See Third Quarterly Report, Section III(D)(1).
<b>NPD will maintain complete and consistent training records for all officers. (¶ 12)</b>			
NPD will develop a protocol to gauge retention of training and approve testing mechanisms to ensure compliance with Consent Decree.	February 28, 2017	Non-Compliance	See Third Quarterly Report Section III(D).
NPD will implement any necessary updates to its data storage system to retain training records as set forth in the protocol.	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
Review NPD training data to determine if data collection and analysis mechanisms are sufficient and to determine whether NPD’s training data demonstrates that officers are retaining lessons and that NPD is otherwise able to demonstrate compliance with all training-related aspects of the Consent Decree. (¶¶ 9, 12)	October 1, 2017	Not Assessed	This deadline passed after the Reporting Period. The Monitor will assess this requirement in its subsequent report.

**XII. Consent Decree Implementation and Enforcement**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<p>Interdisciplinary Unit: The City and NPD will form an interdisciplinary unit to facilitate the implementation of the Consent Decree. (§ 196)</p>		<p>Initial Development</p>	<p>NPD has formed a Consent Decree Planning Unit, and has received assistance from the City with policy review. NPD would benefit from greater assistance from the City, especially with regard to personnel with Information Technology or project management expertise.</p>
<p>The City implementation unit will file a status report with the Court, delineating the items set forth in the Consent Decree. (§ 197)</p>	<p>September 26, 2016</p>	<p>Operational Compliance</p>	<p>To date, NPD has filed three status reports with the Court.</p>