
MEMORANDUM

FROM: **Community Members**
TO: **NPD Consent Decree & Planning Division**
RE: **Disciplinary Process & Matrix Policy Community Feedback**
DATE: **October 30, 2018**

Introduction

This memorandum provides a summary of community feedback concerning the Newark Police Division's (NPD) draft *Disciplinary Process & Matrix* policy received at the September 30, 2018 community policy review forum at the Terrell Homes, 35 Riverview Court Newark, NJ 07105. The community feedback received from this forum is attached to this memorandum with identifying information redacted.

In addition to the September 30 community meeting, NPD also held preliminary meetings across police precincts prior to creating the policy draft and requested written feedback on the draft policy via its website.

The community feedback below is grouped by policy section. Space has been provided to aid NPD in providing a response to the public on why certain community feedback will be/will not be incorporated into the finalized policy.

SPECTRUM OF DISCIPLINE **(Policy Section VII)**

Draft Policy:

Violations of Rules, Regulations, Policy or Procedures are divided into two classes depending upon the severity of the offense: *Major Offenses* or *Minor Offenses*.

A. **Major Offenses**: Major Offenses are those offenses whereby the penalty imposed may be:

1. Suspension of more than five (5) working days at any one time up to six (6) months; *unless subject to criminal charges or indictment (refer to Section XV).
2. Demotion; or
3. Termination.

B. The following are considered **Major Offenses** which may include, but are not limited to:

1. All criminal offenses or serious motor vehicle violations (*e.g.*, DWI/hit & run);
2. Acts of aggravated insubordination;
3. Unauthorized discharge of firearms;
4. Refusal to submit to a drug screening;
5. Failed drug screening;
6. Violations of radio discipline;
7. Excessive/Unauthorized/Improper Use of Force;
8. Improper or Unlawful Arrest;
9. Improper Entry;
10. Improper Search;
11. Differential or discriminatory treatment based upon a person's characteristics;
12. Sexual harassment;
13. Biased policing;
14. Intoxication on duty (alcoholic beverages or narcotic use);
15. Sleeping on duty;
16. Unfit for duty;
17. Accumulation of several similar minor incidents;
18. Neglect of Duty; refer to Matrix; and
19. Any other complaint designated by the Chief of Police or Public Safety Director.

C. **Minor Offenses**

All violations of Division rules, regulations, policies and procedures of a lower level nature, examples include but are not limited to demeanor/discourtesy (devoid of profanities or other egregious language), tardiness, uniform violations, motor vehicle collisions, (without significant damages or unusual circumstances), low-level neglect of duty incidents and other minor administrative matters. Minor Offenses are subject to suspension of up to five (5) working days or less, and are adjudicated through a Disciplinary Conference.

Feedback and Recommendations:

- This policy should include a list to clarify the minor offenses as done with the major offenses.
- Minor offenses should be punishable with 5 or less days of suspension then demotion or termination and major offenses be punishable with 5 or more days of suspension then demotion or termination.
- The concern of the mental wellness of officers and options of stress reducers.

- If an officer is suspended, will the officer still receive training?
- Could the officer receive training for minor offenses before these offenses become major offenses.
- Facilitators also proposed the following question to community members—“Do you believe the Disciplinary Matrix achieves its goals of being a guide for fairness, consistency, and an equitable distribution of penalties for police misconduct?” The following are the responses:
 - The Disciplinary Matrix achieves its goals but there’s are many gaps.
 - The transparency is forced as if it was met with resistance.
 - This language should be easier to understand for the general public.
 - The table of discipline is difficult to understand.
 - Minor offenses and civil offenses should be records in blue force.
 - The matrix does not seem to be objective; it leaves room for bias in the court system through aggravating and mitigating factors.

NPD Response:

>The definition of “Minor Offenses” captures an overview of the many offenses that are considered minor, consistent with NJ Attorney General Guidelines, (AGG).

>Minor Offense penalties start at Oral Reprimand (the lowest form of formal discipline), written reprimand, then 1 to 5 days’ suspension maximum. This is consistent with the NJ Administrative Code/Civil Service Law. The NPD is a Civil Service agency, and as such, adheres to Civil Service rules.

>The concern of mental wellness for officers should be of major concern, especially for a modern police agency. That said, the specifics of mental wellness and stress reduction would be above the scope of the disciplinary process.

>The disciplinary process calls for ‘non-disciplinary’ measures in addition to punitive measures. If an officer has a matter sustained against him or her for a violation of policy or procedure, then the officer would face the penalty associated with whatever violation occurred, and in most cases, will additionally receive appropriate training.

>Officers receive all manner of training in the NPD which cover what would be considered Minor and Major offenses. In addition, our Rules & Regulations manual lists all of the “do’s and don’ts” required for NPD officers/supervisors. Under the Consent Decree, officers and supervisors are mandated to receive specific training as well.

>Responses to the question: “Do you believe the Disciplinary Matrix achieves its goals of being a guide for fairness, consistency and an equitable distribution of penalties for police misconduct?”

>The Disciplinary Matrix specifically lists many of the “well known” intermediate and serious infractions that have occurred with historical regularity in the NPD. It also covers Minor Offenses, although each specific type of offense is not listed. Minor offenses fall into the broader overall category such as “Neglect of Duty”, “Disobedience to Orders”, “Care of Property”, etc. The

punishment for these issues would start at the “oral reprimand”, “written reprimand” up to 5 days’ suspension categories. The bottom line is the NPD has to exhibit fairness, consistency and progressive discipline.

>The NPD lists statistics based on NJ Attorney General Guideline directives.

>The language of the Disciplinary Process and Matrix is consistent with the process of administering and tracking discipline throughout the NPD.

>The Table of Discipline starts out with the lowest possible level of penalty from oral reprimand, written reprimand and all possible suspensions from 1 day to 6 months (6 months is NJ case law maximum suspension time) to demotion to termination. The Matrix has flexibility built in because each case of police misconduct is unique and has unique circumstances presented. Again, the overall goal of our disciplinary process is fairness, consistency (in terms of application) and ensuring that discipline where necessary is progressive. There isn’t a perfect science in terms of what penalty exactly fits what misconduct issue.

>Blue Team will capture many facets of the Internal Affairs function. It will assist with our existing IA database known as IAPro.

>The purpose of the Matrix is to be objective. Aggravating and Mitigating factors are called for in the NJ Attorney General Guidelines. Again, once the policy is initiated throughout the PD, the concepts of fairness, consistency and progressive discipline are necessary for the process to be legitimate. Additionally, the NPD process of discipline will be reviewed and monitored by the Independent Monitoring Team, (IMT). If the Disciplinary Process & Matrix policy is not being adhered to, the IMT will document that information, advise the PD and present it at Court if necessary.

>Officers are required to surrender their weapons any time they are “Immediately Suspended” due to a significant incident of misconduct, or at any time that they will be out of service for a period of 10 days or more.

>The maximum suspension time of 6 months is guided by existing NJ case law.

>Aggravated Insubordination would be a physical attack of a supervisor by an officer where Insubordination would be a situation where a subordinate officer or supervisor failed to take orders, or perhaps spoke to a superior officer in a disparaging or disrespectful tone.

Disciplinary Conferences and Trial Boards **(Policy Section VIII)**

Draft Policy:

Disciplinary Conferences and Trials shall be informal and administrative. The sole purpose of the Disciplinary Conference and Trial Board is to determine the facts and circumstances surrounding a case. The rights of all parties involved shall be protected but the rules of evidence as observed by law shall not apply.

Evidence, which reasonable persons are accustomed to relying on in conducting their affairs, may be considered.

Unduly repetitious evidence may be excluded and documentary evidence in the form of copies or excerpts are admissible. All evidence, written, oral and physical which is considered relevant to reason shall be considered. Simply put, determining the truth shall be the goal of a Disciplinary Conference and Trial Board.

1. Attendance at the **Disciplinary Conference** will consist of:
 - a. Commanding Officer;
 - b. Accused Employee;
 - c. One (1) Union Representative;
 - d. One (1) other Superior Officer as a witness to be chosen by the Precinct/Unit Commander; and
 - e. Witnesses

2. Attendance at the **Trial Board** shall consist of:
 - a. Public Safety Director, or designee;
 - b. Two (2) Command Rank Officers;
 - c. Representative of the City's Corporation Counsel;
 - d. Attorney of the accused;
 - e. Representatives of the Office of Professional Standards;
 - f. Witnesses;
 - g. Union Representative; and
 - h. Court stenographer/reporter – if requested, to be supplied at the expense of the accused. The City also reserves the right to supply a court stenographer/reporter at its expense.

3. When an officer is charged with a Minor Offense disciplinary violation and the officer pleads "Not Guilty," the Superior Officer or any other person who witnessed the infraction shall be subpoenaed to the Disciplinary Conference as a witness.

4. The Union Representative shall be an observer at a Disciplinary Conference or Trial Board. This representative serves as a witness to the due process provisions of this order. The Disciplinary Conference Officer determines the

protocol of the session. The union representative may confer with the accused employee to assist with the presentation of the employee's side of the alleged offense, while maintaining a professional decorum during the process.

5. The Disciplinary Conference officer should ensure that notes are taken in order to collect information for the completion of the determination and recommendation for discipline (DP1:1974) if there is to be any recommendations for sanctions.

6. There are no formal rules of evidence during a Disciplinary Conference or Trial Board. The Disciplinary Conference Officer may establish further reasonable rules to expedite the Disciplinary Conference. Again, the Disciplinary Conference Officer and Trial Board Officer determine the protocol of the session.

7. Employees who are the subject of any disciplinary action are entitled to receive all discovery materials including all reports, and all documents on which the City will rely at the hearing. Employees attending a Trial Board will have discovery materials no later than five (5) days before the trial. Employees attending a Disciplinary Conference will have discovery materials provided within three (3) days of a Disciplinary Conference. Requests for discovery materials shall be accompanied by an Administrative Report, DP1:1001.

8. The process of determining the recommendation for a particular sanction shall include a review of the employee's computerized disciplinary history (IAPro), nature of offense including aggravating or mitigating circumstances, and letters of commendations. The Commander shall utilize the Disciplinary Matrix and determine the appropriate sanction.

9. Upon review and determination of guilt, guilty plea or innocence by a preponderance of the evidence, the Disciplinary Conference Officer or Trial Board shall complete a Determination and Recommendation for Discipline (DP1:1974). A Disciplinary Conference shall only be convened by an officer's Captain or Executive Officer. The decision of the Captain or Executive Officer at a Disciplinary Conference shall be final and binding on the Public Safety Director.

Note: A Disciplinary Conference at the Command level may determine that the penalty to be imposed would be in excess of five (5) days. In this instance, the Disciplinary Conference shall terminate. Due to the time constraints under the

“45-day Rule”, the Disciplinary Conference Officer shall, by next business day, forward all Investigatory and Disciplinary Conference Forms to the Office of Professional Standards for Trial Board processing.

10. The Office of the Public Safety Director, upon final determination of penalty, shall inform the Commander of the Office of Professional Standards/Advocate Section, who shall then issue the Final Notice of Discipline to the employee and forward a copy to the respective Union Representative.

11. A rationale for recommending discipline shall be conveyed to the Bureau Commander within five (5) days of Disciplinary Conference. In cases of Trial Boards, recommendations are forwarded directly to the Public Safety Director within five (5) days of the trial.

12. The Advocate Section shall serve as clerk to the Trial Board. The Commander of the Advocate Section shall ensure all PNDA and FNDA notices are completed.

Feedback and Recommendations:

- The policy needs to be clear and transparent.
- Clarify the roles of the Disciplinary Conference and Trial Board

NPD Response:

>The aim of the policy is to present the discipline process and matrix in a clear fashion, and our efforts of presenting it to the community, and posting it to our website are geared towards being open and transparent. As far as transparency in terms of information and statistics, the NPD is guided by the Attorney General Guidelines and Civil Service law which stipulates certain rules for the public dissemination of investigations and discipline pertaining to Internal Affairs.

>A Disciplinary Conference is Chaired by an NPD Captain or Executive Officer and is the venue for Minor police misconduct Offenses. A Trial Board consists of the Public Safety Director or his/her designee, and two high ranking NPD officers, usually Captains or Deputy Chiefs. The Trial Board is the venue for Major police misconduct offenses.

CATEGORIES AND ISSUING DISCIPLINE
(Policy Section XVI)

Draft Policy:

A	Oral Reprimand, Warning Notice, Counseling, Re-Training, and/or Performance Monitoring
B	Written Reprimand and/or Performance Monitoring
C	Suspension 1-3 days
D	Suspension 3-5 days
E	Suspension 6-30 days
F	Suspension 30-90 days
G	Suspension 90-180 days, may include demotion
H	Demotion*
I	Termination

Feedback and Recommendations:

- The policy should clarify what happens when offenses are done after they have been charged and what the new orders of offenses are.

NPD Response:

>The Disciplinary Process & Matrix commences as a result of a sustained police misconduct investigation. Once an investigation is sustained, that means there is sufficient information and/or evidence to conclude the officer committed an alleged act, then the disciplinary process and matrix kicks in. The Advocate Section is the NPD unit responsible for administering and tracking all manner of NPD discipline. This unit works under the Office of Professional Standards. It is the Advocate Section's responsibility to ensure that a case is prepared with all necessary documentation and sent to the proper venue for a hearing- Disciplinary Conference or Trial Board. This will ensure a legitimate process.

CATEGORIES AND ISSUING DISCIPLINE
(Policy Section XVI)

Draft Policy:

Upon the finding of guilt at any disciplinary hearing, the following matrix shall be followed to ensure fairness, consistency, and to ensure proper progressive discipline:

Note: Degrees shall constitute number of offenses unless specific circumstances cause the violation to be issued a specific degree. In the event there are aggravating or mitigating circumstances then the violation shall be issued the appropriate degree and the level of discipline.

Category	1st Degree	2nd Degree	3rd Degree	4th Degree
Section 1 - General Conduct	A-B	B-D	D-E	G-I
Section 1 - sub section A; Association w/ criminal element/radical groups	F-G,I	G-I	I	
Section 1 - sub section A; Confidential Information	E-F	F-G,I	I	
Section 1 - sub section A; Consuming alcoholic beverages on duty	E	E-F	F-G,I	
Section 1 - Biased Policing/Differential Treatment (acts/omissions based on religion, race, ethnicity, gender, sexual orientation).	F-G	G-I		
Section 1 - Sexual Harassment	F-G	G-I		
Section 1 - sub section D; Disparaging religion, race, gender, sexual orientation	E-F	F-G	G-I	
Section 2 - Misconduct Generally	A-C	D-E	E-F	G-I
Section 2 - sub section B; Acts/omissions: ‘Conduct Unbecoming a Public Employee’	E-F	F-G,I	G-I	I
Section 3 - AWOL, Sick Leave Violations	A-B	C-D	D-E	G-I
Section 3 - sub section D; Unauthorized absence	E-F	F-G	G-I	I
Section 3 - sub section E; Absence w/o Leave	F	F-G	G-I	I
Section 3 - sub section H; Malingering (feigning illness/injury)	E-F	F-G,I	G-I	I
Section 4 - Neglect of Duty (18:6) Acts/Omissions;	A-C	B-D	E-F	G-I
Section 4 - Neglect of Duty (18:6.1)	A-C	B-D	E-F	G-I
Section 4 - Neglect of Duty (18:6.3) Domestic Violence/child abuse	E	E-F	G-I	
Section 4 - Neglect of Duty (18:6.4)	A-C	B-D	E-F	G-I
Section 4 - Neglect of Duty (18:6.5)	A-C	D-E	E-G	G-I
Section 4 - Neglect of Duty (18:6.6)	A-C	B-D	E-F	G-I
Section 4 - Neglect of Duty (18:6.7)	A-C	B-E	E-G	G-I
Section 4 - sub section B; Failure to report crime/ take proper action	E-F	E-F	G-I	

Section 4 - sub section B; Failure to maintain post/assignment	E	E-F	F-G	G-I
Section 4 - sub section B; Failure to safeguard/maintain/process Property & Evidence	E-F	G-I		
Section 4 - sub section B; Failure to report misconduct/take action	E	E-F	G-I	
Section 4 - sub section B; Failure to cooperate w/ internal misconduct investigation	F-G, I	G-I		
Section 4 - sub section B; Purposeful deactivation of BWC/in-car camera	F-G	G,I	I	
Section 4 - sub section H; Failure to attend court w/o just cause	E	E-F	E-F	G-I
Section 4 - sub section K; Improper Arrest/Entry/Search	E-F	F-G	G-I	
Section 4 - sub section M; Maltreatment/Safekeeping Prisoners	E-F	E-F	G-I	
Section 4 - sub section M; In custody death	F-G	F-G, I		
Section 5 - Care of Property (see F below)	A-C	C-E	E-F	G-I
Section 5 – sub section B; Misuse of public property, including motor vehicles	E-F	E-F	F-G	I
Section 6 - Acts of Insubordination	C-D	E-F	G-I	I
Section 6 - Aggravated Insubordination	F-G,I	G-I	I	
Section 6 - sub section A; Obedience to direct orders	E-F	E-G	G-I	
Section 7 - Fitness for Duty	F-G,I	G-I	I	
Section 7 - Drug Screening Failure	I			
Section 7 - sub section A; Intoxication on duty, alcoholic beverages	F-G	F-I		
Section 8 - Disobedience of Orders	B-C	C-D	E-F	G-I
Section 8 - sub section A; Violation/s of Social Media Policy (General)	B-D	D-E	E-F	G-I
Section 8 - sub section A; Violations of Social Media Policy; uniform; color of authority.	E-F	F-G	G-I	
Section 8 - sub section A; Unauthorized vehicle pursuit	B-D	E-F	F-I	
Section 8 - sub section A; Unauthorized vehicle pursuit w/ serious BI/death	F-G	G-I		
Section 8 - sub section A; Violations of Radio Discipline; interference/indecent language.	E-F	E-F	F-G	I

Section 8 - sub section A; Improper Access of Police/Court records/database	F-G,I	G-I		
Section 8 – sub section A; Unauthorized Use of Patrol Vehicle/Unsafe operation	E-F	F-G	G-I	I
Section 9 - Use of Force (non-firearm related)	D-E	F	G-I	I
Section 9 - Use of Force; Serious BI or Death	F-G,I	G-I		
Section 10 - False Statements/Reports	G,I	G-I		
Section 11 - Violations of Criminal Law (State/Federal)	G-I	G-I		
Section 11 - Violations of Law; Disorderly Persons	F-G,I	G-I		
Section 11 - Violations of Law; Petty DP/City Ordinance	E-F	F-I		
Section 11 - Violations of Law; serious MV Violations (i.e. DWI, hit & run)	F-G,I	G-I		
Section 12 - Performance of Duty	C-D	E-F	G-I	
Section 12 - sub section A; Official Inefficiency or Incompetence	E	E-F	F-I	
Section 12 - sub section B; Chronic Inefficiency or Incompetence	F-G	G-I	I	
Section 13 - Performance of Duty (Supervisor)	E-F	F-G	G-I	
Section 13 - sub section A; Inefficiency or Incompetence	E-F	F-G	G-I	
Section 13 - sub section B; Operational Inefficiency or Division Resources	F-G	F-G	G-I	
Section 14 - Chronic or Excessive Absenteeism or Tardiness	E-F	F-G	I	
Section 15 - Firearms (service/off duty)	E-F,I	F-G,I		
Section 15 – sub section A; Handling Firearms (Negligence)	E	E-F	F-G	I
Section 15 - sub section C; Tampering w/ Police issued firearm/s	E-F	E-F	F-I	
Section 15 - sub section G; Storage of Firearms; Negligence	E-F	E-F	F-G	I
Section 15 - sub section N; Use of Deadly Force/Firearms	E-F	G-I		
Section 15 - sub section N; Use of Deadly Force/Firearms-Serious BI/Death	G-I	I		
Section 15 - sub section P; Unauthorized Discharge of Firearm/s	E-F	F-G	G-I	

(*H) If the charge is against a Superior or Commanding Officer, permanent demotion one level in rank is an option where egregious violation/s of Division policy have been substantiated. It may also be considered in cases of multiple substantiated offenses for the same violation or serious failure/s to perform.

Temporary demotions may also be considered under these criteria as a form of major discipline.

Feedback and Recommendations:

- In certain instances the range of discipline is too wide.
- The table needs to be made more easily to understand.

NPD Response:

>As far as discipline ranges being too wide, this is done for the purpose of understanding that each Internal Affairs matter is unique with unique circumstances, including aggravating/mitigating circumstances, length of service of the officer/experience, training history for the officer in the given area in which the incident occurred, the given incident circumstances which were occurring amongst other aspects for consideration.

>The Table itself explains the various levels of proposed penalties starting at Oral Reprimand all the way up to Termination. The Matrix breaks down actual incidents (intermediate to serious) with a “presumptive range” of penalty. Minor offenses, although not named specifically by type of incident, are covered as well.

General Comments

Facilitators also proposed the following question to community members— “Does anyone have any additional questions and/or concerns regarding the NPD’s Disciplinary Process and Matrix?” The following are the responses:

- The process of complains and reports should be more transparent.
- How is data collected?
- Who is viewing the data?
- How can the monthly data collected be tracked?
- Is the union involved?

>All manner of matters pertaining to Internal Affairs and Discipline are consistent with the NJ Attorney General Guidelines and Civil Service Law.

>Internal Affairs data, including discipline data is collected and maintained by the Office of Professional Standards. All data associated with discipline is prepared, tracked and maintained by the Advocate Section, which is a sub-component of OPS. NPD OPS utilizes the IAPro computer database for all matters pertaining to Internal Affairs data.

>The data is viewed by the Office of Professional Standards, the Advocate Section, personnel assigned to Disciplinary Conferences and Trial Boards. Data will also be viewed by accused officers and the collective bargaining units, (unions).

>Monthly data, like all data, is collected and forwarded to the OPS. All data is entered into the IAPro database.

>The unions are involved in the disciplinary process. The unions represent police officers and supervisors during the discipline process, and advocate on their behalf. Officers/supervisors are entitled to a union representative during the Internal Affairs interview phase of an investigation, and are also involved later if the case is sustained and the officer/supervisor is facing discipline.

Pg 9 Discipline Process

①

1. When a minor offense is brought a Blue Team Entry is made

2. When a major offense happens a Blue Team entry is not required. Major incidents are those that

(over- back of blue card below)

affect citizens

Blue Team entries:

All offenses, Major and Minor complaints will require a Blue Team entry at complaint initiation. This is akin to our standard complaint report presently in use-the Investigation of Personnel (IOP) report. Blue Team entries are spelled out in the Complaint Intake & Investigations Policy, however we can add a line here for clarification as well.

②

When officers are suspended are they stripped of their duty gear?

Stripped of duty gear/suspensions:

If an officer's actions warrant an 'immediate suspension' for a serious incident or arrest, then the Office of Professional Standards will confiscate the officer's badge, service weapon w/ issued ammunition magazines and hand held radio.

In other cases of suspension, after routine disciplinary hearings, the officer will have his weapon confiscated after 10 days' suspension. Any work absence of 10 days or more requires the temporary confiscation of an officer's service weapon.

How will data be collected^③ on this process? Some police depts have strong disciplinary rules but few to no cases result in discipline.
- How will data on outcomes be made public?
- by precinct? dates?
etc.

Data collection:

Data is collected and processed everyday throughout the agency. For Internal Affairs/Discipline matters, data is collected and forwarded to the Office of Professional Standards, (OPS). The OPS collects, stores and tracks all data pertaining to Internal Affairs complaints, investigations and discipline. The OPS utilizes the IAPro computer database for data collection and processing.

The Advocate Section, (a unit under the OPS) collects and processes data on discipline. The Advocate Section is also responsible for preparing disciplinary hearings throughout the agency, and collecting and processing data at the hearings. The Advocate Section enters all disciplinary related data into the IAPro database.

All data that is permissible for publication, (per NJ Attorney General Guidelines and Civil Service rules) is posted to the NPD website, newarkpdonline.org. There is information pertaining to Internal Affairs cases, type of case, outcomes of cases and the discipline meted out for sustained cases.

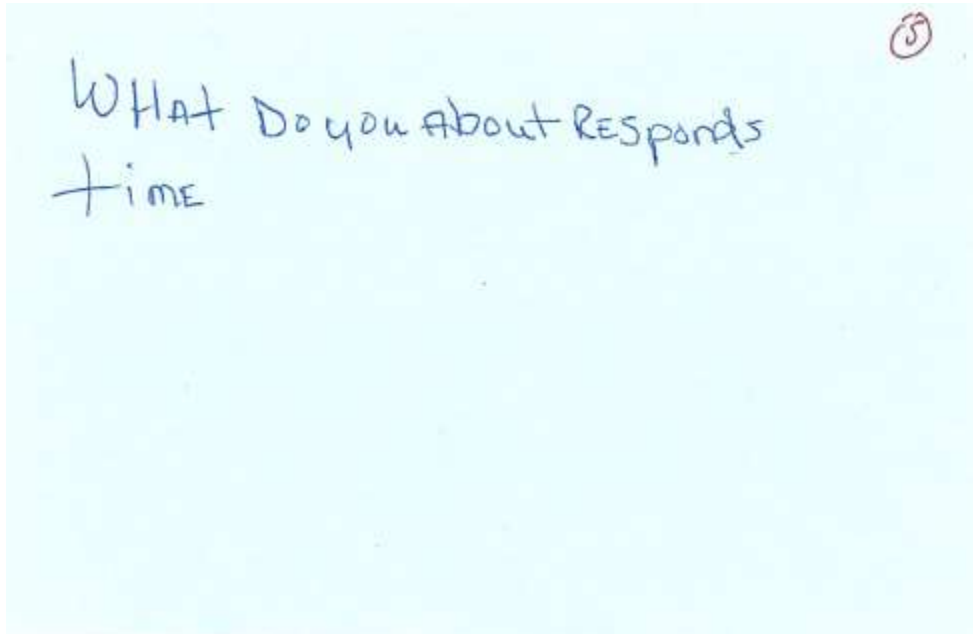
What happens when I submit a complaint to I.A.? Will I be notified if it was sustained or not sustained or even reviewed? People should be made aware of outcomes of their complaints. ④

Submitted complaints to Internal Affairs:

All submitted civilian complaints to the NPD (and internal-police generated complaints) are routed to the Office of Professional Standards for review and processing, (the NPD's Internal Affairs Unit is known as the Office of Professional Standards). The investigation then gets assigned either internally at the OPS, or forwarded to an outside Command. Within a few days you will receive a contact letter from the assigned investigator. The letter will have the Investigation #, (that is the Investigation of Personnel/IOP #), the investigator's name and contact info along with an advisory that the complaint has been received and will be investigated.

Upon conclusion of the investigation, the investigator will forward a disposition letter to the complainant. The disposition letter will advise you of the outcome of the case. If the case is not sustained, unfounded or exonerated, the disposition letter will provide a brief explanation of why it was not sustained, unfounded or exonerated. In cases of sustained (officer guilty) matters, the letter will advise you of such, and advise that the officer will be disciplined according to NPD policy. All letters are sent via U.S. certified mail/return receipt.

Investigations are normally assigned a 30-day due date (internal investigations at OPS) or 45-day due date (outside Command investigations). However, some investigations by their nature and complexity, including criminal matters will take longer. The new Complaint Intake & Investigations policy instructs investigators to make monthly updates to complainants regarding long term investigations. Criminal case updates usually are provided by the Essex County Prosecutor's Office, as they are the responsible party to investigate criminal complaints against officers.



WHAT Do you About Responds
Time

Response Time:

The NPD is very cognizant of patrol response times. There are various protocols in place to address this issue. If someone has a complaint about response times, or lack of response, he or she may file a civilian complaint via one of the many channels for complaint intake. If a civilian wishes to file a complaint directly with our Communications Division, the civilian may call 973.733.6000 and ask the call taker to be connected with a police supervisor. The supervisor will address your complaint as necessary.

Question

10/30/17

How can

residents

identify they are
in fact making their
complaint to an actual supv.

Complaints to a police supervisor:

When a civilian calls police to make a civilian complaint against personnel, they will routinely be put in contact with a supervisor. This is well established protocol in the NPD. When a supervisor gets on the line, he or she will identify themselves with name and rank. There is generally no reason or advantage for an employee of the NPD to misidentify their rank. However, if it were discovered, the employee would face significant consequences for falsely identifying themselves.

In the absence of an available supervisor, all personnel of any rank are directed to take a civilian's complaint.

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(over)

Paragraph 1

What would cause the absence of Blue Team?

Are all departments equipped to enter into Blue Team if not when will all departments be ready?

Q1: Absence of Blue Team:

Blue Team is a companion computer database to the IAPro computer program. The IAPro program is presently utilized by our Office of Professional Standards for collecting, storing, tracking and analyzing Internal Affairs data. The roll out of Blue Team in the NPD is still underway as we finalize all of the required Consent Decree policies and conduct the necessary Division wide training. In addition, like any computer program, if glitches arise or the program malfunctions for whatever reasons, then police personnel will have to know how to proceed without the program. Therefore, language is added to the policy citing, "in the absence of Blue Team".

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Under Policy

“Discipline shall be administered objectively, without favoritism or bias.”
Please advise how the use of “mitigating” factors will ensure this.

Q2: Mitigating factors:

“Mitigating” factors and their opposite, “aggravating” factors are circumstances uncovered during an Internal Affairs investigation. Factors may be officer behavior at a given incident which led to the complaint, it may be environmental factors as in events that were occurring at a given incident, incident stress factors may have occurred, it may be a misunderstanding of policy or procedure, it may be malice on the part of the officer, etc.

These factors, if identifiable via the investigation, must be considered during the disciplinary hearing phase. Trial Board Chairpersons and/or Captains at Disciplinary Conferences must weigh these factors when meting out discipline. They must also be properly documented in writing when final decisions are made. Documentation will be a key component of the disciplinary process, as the actions taken by NPD personnel during disciplinary hearings will be reviewed and audited by the Independent Monitoring Team.

At the end of the day, with or without mitigating or aggravating circumstances present, NPD discipline is to be administered objectively and fairly without favoritism or bias.