

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF NEWARK,

Defendant.

CIVIL NO: 16-1731 (MCA)(MAH)

JOINT STIPULATION AND ORDER TO AMEND THE CONSENT DECREE

Plaintiff, the United States of America, and Defendant, the City of Newark (“City”), (collectively “the Parties”) hereby stipulate to the entry of the following order modifying certain deadlines in the Consent Decree (Doc. 4-1) so that the Newark Police Division (“NPD”) can satisfy the Consent Decree’s requirements regarding officer training in an efficient and meaningful manner.

Under the terms of the Consent Decree, the Parties “may jointly stipulate to make changes, modifications, and amendments” subject to the Court’s approval. Moreover, the Consent Decree notes that “[s]uch changes, modifications, and amendments to this Agreement shall be encouraged when the Parties agree, or where the reviews, assessments, and/or audits of the Monitor demonstrate that the Agreement provision as drafted is not furthering the purpose of the Agreement, or that there is a preferable alternative that will achieve the same purpose.” *Id.* In spite of recent changes to deadlines in Paragraphs 14, 17, and 18 of the Consent Decree, NPD has not been able to meet these deadlines. (*See* Doc. 11).

The Parties seek to create new, realistic, and attainable deadlines in the Consent Decree. The Parties therefore have agreed to modify the Consent Decree so that essential training and cornerstone policies can be developed, implemented, and delivered in a reasonable amount of time. It is preferable to make these changes now, before the Independent Monitor assesses NPD's compliance efforts, so that NPD can have additional time and a realistic opportunity to build institutional capacity, develop an effective training schedule, and provide training to officers. Otherwise, under the current timeframes, NPD is likely to miss many if not all of its deadlines. The Parties therefore have met and conferred, agreeing on manageable time-sensitive deadlines for developing and implementing policies, and delivering associated training.

WHEREFORE, the Parties respectfully request that the Court accept the Parties' stipulated modifications to Paragraphs 11, 14, 15, 43, 52, and 63 of the Consent Decree.

Respectfully submitted,

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ORDER TO AMEND CONSENT DECREE

The parties have stipulated to the following amendments to the Consent Judgments in this case, and the Court, having fully considered the stipulation and proposed amendments hereby amends the Consent Judgments in the following manner:

The provision in Paragraph 11 that currently reads as follows:

“Within 30 days of approval by the Monitor and DOJ of any new or revised policy or procedure that implements a requirement of this Agreement, NPD will provide appropriate training to officers. NPD will provide drafts of new or revised training plans or training curricula related to the requirements of this Agreement to the Monitor and DOJ for review and approval prior to implementation.”

The amended provision shall read as follows:

“Within **60 days** of approval by the Monitor and DOJ of any new or revised policy or procedure that implements a requirement of this Agreement, 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 by paragraph 9.** NPD will ensure that officers receive formal training NPD will provide drafts of new or revised training plans or training curricula related to the requirements of this Agreement to the Monitor and DOJ for review and approval prior to implementation.”

The provision in Paragraph 14 that currently reads as follows:

“Within 60 days of the Operational Date and annually thereafter, the 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...”

The amended provision shall read as follows:

“**By July 9, 2017**, and annually thereafter, the 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...”

The provision in Paragraph 15 that currently reads as follows:

“Within 180 days of the Operational Date, NPD will assess and revise its staffing allocation and personnel deployment to support community policing and problem-solving initiatives, and will modify any deployment strategy that is incompatible with effective community-oriented policing. This assessment and modified deployment strategy will be provided to the Monitor and DOJ for review and approval.”

The amended provision 15 shall read as follows:

“**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 any deployment strategy that is incompatible with effective community-oriented policing. This assessment and modified deployment strategy will be provided to the Monitor and DOJ for review and approval.

The provision of Paragraph 43 that currently reads as follows:

“NPD will provide all officers with at least 16 hours of training on stops, searches, arrests, and the requirements of this Agreement, within 180 days of the Operational Date, and at least an additional 4 hours on an annual basis thereafter...”

The amended provision shall read as follows:

“NPD will provide all officers with at least 16 hours of training on stops, searches, arrests, and the requirements of this Agreement by **November 1, 2017**, and at least an additional 4 hours on an annual basis thereafter...”

The provision in Paragraph 52 that currently reads as follows:

“Within 180 days of the Operational Date, NPD will modify or develop a written or electronic report format to collect data on all investigatory stops and searches, whether or not they result in an arrest or issuance of a summons or citation...”

The amended provision shall read as follows:

“**By September 9, 2017**, NPD will modify or develop a written or electronic report format to collect data on all investigatory stops and searches, whether or not they result in an arrest or issuance of a summons or citation...”

The provision in Paragraph 63 that currently reads:

“NPD will provide all officers with a minimum of eight hours of comprehensive and interdisciplinary training on bias-free policing, including implicit bias, procedural justice, and police legitimacy, within 180 days of the Operational Date, and at least four hours annually thereafter...”

The amended provision shall read as follows:

“NPD will provide all officers with a minimum of eight hours of comprehensive and interdisciplinary training on bias-free policing, including implicit bias, procedural justice, and police legitimacy, **by July 1, 2017**, and at least four hours annually thereafter...”

IT IS HEREBY ORDERED.



HONORABLE MADELINE COX ARLEO
United States District Court