

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

CONSENT DECREE

Independent Monitor - Sixteenth Quarterly Report

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Independent Monitor
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SIXTEENTH QUARTERLY REPORT
(October 1, 2020 to December 31, 2020)

**I. EXECUTIVE SUMMARY OF SIXTEENTH QUARTER'S ACTIVITIES
(OCTOBER 1, 2020 – DECEMBER 31, 2020)¹**

This is Independent Monitor Peter C. Harvey's Sixteenth Quarterly Report on the City of Newark's (the "City") and Newark Police Division's ("NPD") progress with implementing the reforms set forth in the Consent Decree during the period from October 1, 2020 to December 31, 2020. In this Quarterly Report, the Monitoring Team discusses the (1) continued impact of COVID-19 on NPD's ability to complete Consent Decree tasks; (2) Monitoring Team's progress in light of the pandemic; (3) disciplinary actions taken by the NPD against both its sworn officers and civilian personnel in 2019 and 2020; and (4) NPD's youth engagement strategy.

Appendix A is the Monitoring Team's Compliance Chart, which shows NPD's progress with all Consent Decree tasks through the publication of this Quarterly Report.

Appendix B provides the status of the Monitoring Team's audits of the City's and NPD's compliance with Consent Decree requirements.

Appendix C is the Monitoring Team's Amended *Second* Training Records Audit Report.

II. DETAILED STATUS UPDATES

**A. Effect of COVID-19 on NPD's Progress with
Consent Decree Reforms**

During the COVID-19 pandemic, law enforcement agencies nationwide have been responsible for working with government and public health officials to contain the spread

¹ Unless otherwise stated, the City's and NPD's progress with respect to Consent Decree tasks, as described in this Quarterly Report, reflects developments as of December 31, 2020.

of this virus, serve the local community, and maintain public order. Law enforcement officers are frontline essential workers. Like other such workers, they are at a heightened risk of exposure to COVID-19 due to their close contact with members of the public and each other, many of whom had not received any vaccination against the virus. NPD reports that as of January 31, 2021, 420 members of NPD had tested positive for COVID-19. By the end of this reporting period, six members of NPD had passed away from COVID-19, and a seventh passed away just after the reporting period ended.²

The City recognized the seriousness of the pandemic and took steps to protect the health of NPD officers. First, the City informed the Monitoring Team that, beginning in November 2020, officers have been required to get tested for COVID-19 at least once every 10 days. To facilitate the regular administration of these tests, the City has dedicated a test site solely to testing NPD and other members of Department of Public Safety.

Second, NPD has adjusted its operations in two key areas in response to the pandemic: officer deployment and training. With respect to officer deployment, on October 29, NPD informed the Monitoring Team that it was modifying the work schedule of various units, including the Consent Decree and Planning Division, to prevent additional COVID-19 infections. Previously, officers in the field had worked 8.25-hour work days on a rotating four-day on, two-day off schedule (the schedule resets on the seventh day). In response to the pandemic, each officer was switched to a 12-hour shift, commonly referred to as the “Pitman schedule,” consisting of a 14-day work cycle of two days-on, two days-off; three days-on, two days-off; two days-on, three days-off. The schedule change is intended to achieve two goals:

² Eric Kiefer, *Newark Cop Is City's 7th To Die Of COVID: 'Always Had Kind Word'* (Jan. 13, 2021), available at <https://patch.com/new-jersey/newarknj/newark-cop-city-s-7th-die-covid-always-had-kind-word>.

limiting the overlap of officers working different shifts and reducing the frequency of face-to-face interactions. The Pitman schedule also results in a greater number of officers working during a given shift, allowing NPD to operate at staffing levels sufficient to provide quality police services if some officers fall ill or have to quarantine as a result of exposure to COVID-19.

NPD also has changed the way that it administers Consent Decree police trainings. NPD paused all Consent Decree trainings in March 2020. Starting in July 2020, NPD resumed its training on Bias-Free Policing, required by Consent Decree Paragraph 43, and its training on Stops, Searches and Arrests, required by Consent Decree Paragraph 63. These trainings took place in-person with NPD implementing certain safety precautions to protect the health of its members. (*See* Fourteenth Quarterly Report, Section II.A.2.) However, in light of rising COVID-19 cases, on November 2, 2020, NPD advised the Monitoring Team that, going forward, it would not conduct in-person training and, instead, would administer training virtually to further reduce trainees' risk of infection. To ensure the continued efficacy of the training in this virtual format, NPD (a) required officers to have their cameras and microphones on for the duration of the training and also while taking the post-training exam; (b) ensured that instructors regularly asked questions and sought responses from training attendees; and (c) continued to require officers to take post-training exams to gauge their understanding of each subject matter area. These measures helped to keep officers engaged and ensure the integrity of the results of the post-training assessments.

B. The Monitoring Team's Work During the COVID-19 Pandemic

COVID-19 has impacted the Monitoring Team's work practices as well. Since March 2020, at the request of NPD and consistent with public health guidelines, the Monitoring

Team suspended in-person on-site audits and other activities related to the Monitorship to mitigate the Monitoring Team's Subject Matter Experts' ("SME") and NPD officers' risk of exposure to COVID-19. Nonetheless, the Monitoring Team has continued the work that can be performed remotely such as its audits of NPD's policing practices that rely solely upon review of police data and records. For example, the Monitoring Team was able to continue its *First* Community-Oriented Policing Audit and *Second* Training Records Audit. The Monitoring Team also proceeded with its *Third* Community Probability Survey and *Fourth* Community Non-Probability Survey ("street survey"), albeit by collecting responses online using surveys in English, Portuguese and Spanish, as opposed to seeking out Newark residents in person. The Monitoring Team also used video-conferencing software to observe sessions of NPD's Bias-Free Policing training and Stop, Search and Arrest training to determine whether training participants remained engaged and instructors followed the curricula that was previously approved by the Monitoring Team.

During this reporting period, the Monitoring Team also reviewed a draft of NPD's first-ever Internal Affairs Standard Operating Procedural Manual ("IA Manual"), which is a foundational document for all modern internal affairs units. The IA Manual is intended to ensure use of best practices in receiving and investigating complaints against officers.³ The IA Manual is intended to complement NPD's Complaint Intake & Investigation Process policy (GO 18-25), and has been in process since 2018 when the United States Department of Justice ("DOJ") contracted with a vendor to assist NPD in developing this manual. In July 2019, the vendor

³ For a more detailed discussion on the of the IA Manual's development, please see the Monitor's Eleventh Quarterly Report, Section III.A (available on the Monitor's website at <https://www.newarkpdmonitor.com/wp-content/uploads/2020/04/Eleventh-Quarterly-Report-4.27.2020-2.pdf>).

provided NPD and the Monitoring Team with a draft manual. The Monitoring Team's SMEs reviewed the draft and provided NPD with substantive feedback, some of which was summarized in the Twelfth Quarterly Report.⁴ After this reporting period, in February 2021, the Monitoring Team shared with NPD additional detailed comments regarding the descriptions of IA procedures set forth in the IA Manual.

Regarding future audits in 2021, the Monitoring Team will continue to be guided by the advice of public health officials concerning the safety of returning to in-person Monitorship activities.

C. Internal Affairs: NPD's Disciplinary Actions in 2019 and 2020

As the Monitoring Team has previously reported, DOJ began investigating NPD's policing practices in 2011 and issued its findings in a 2014 report that led to the Consent Decree. DOJ's investigation highlighted a number of deficiencies in NPD's internal affairs practices, including: (i) internal affairs investigators' failure to collect evidence from complainants or even discouraging them from lodging complaints, (ii) relying on a complainant's criminal history to discredit her or him, and (iii) routinely accepting officers' accounts without giving sufficient weight to complainants' and witnesses' statements.⁵ DOJ's investigation also revealed that, as of 2014, NPD had not disciplined a single officer for engaging in excessive force in more than five years⁶ and that NPD's internal affairs unit, the Office for Professional Standards, had sustained

⁴ For a more detailed discussion on the of Monitoring Team's review of the draft IA Manual, please see the Monitor's Twelfth Quarterly Report, Section II.A (available on the Monitor's website at <https://www.newarkpdmonitor.com/wp-content/uploads/2020/04/Twelfth-Quarterly-Report-4.27.2020-1.pdf>).

⁵ See Investigation of the Newark Police Department, United States Department of Justice, Civil Rights Division and United States Attorney's Office, District of New Jersey, dated July 22, 2014, https://www.justice.gov/sites/default/files/crt/legacy/2014/07/22/newark_findings_7-22-14.pdf.

⁶ See *id.* at 42.

only *one* civilian complaint of excessive force from 2007 through 2012. DOJ described this low rate of discipline as being “symptomatic of deeply dysfunctional accountability systems.”⁷ A number of requirements in the Consent Decree are aimed at correcting these deficiencies. (*See* Consent Decree ¶¶ 112-155.)

The Monitoring Team’s own review of investigations conducted and closed by NPD in 2015 and 2016 by NPD’s Office of Professional Standards, also revealed, in part, concerns with the brevity and lack of thoroughness of civilian interviews. (*See* Sixth Quarterly Report, Section III.B.5; Eleventh Quarterly Report, Section II.A.)

Since the inception of the Consent Decree, NPD has shown significant progress in correcting and improving its internal affairs-related deficiencies. As the Monitoring Team reported in its Eleventh Quarterly Report, in 2019, NPD created or revised three internal affairs-related policies: (1) *Responsibilities of Command and Supervisory Personnel* (G.O. 80-1); (2) *Complaint Intake & Investigations Process* (G.O. 18-25); and (3) *Disciplinary Process and Matrix* (G.O.18-26). Although the formal implementation of the latter two policies was halted due to litigation brought by the Superior Officers Association, a police union, the development of these policies, as well as the decision to create a comprehensive IA Procedural Manual, is evidence of NPD’s commitment to improving its internal affairs investigations. These efforts towards more effective disciplinary processes serve a number of important functions in a police agency, including signaling organizational expectations, internally and externally.

Another area of substantial improvement in the internal affairs area is NPD’s imposition of discipline on NPD officers. Over the last two years, NPD has continued to show a willingness to take disciplinary action against officers found to have committed misconduct,

⁷ *See id.* at 3.

including disciplining officers for excessive force, as evidenced by the Monitoring Team's review of aggregate data. In making the following observations, the Monitoring Team analyzed data provided by NPD and did not review internal affairs case files.

Disposition	Year 2019 (January 1 to December 31)	Year 2020 (January 1 to December 31)
Terminations	3 Police Officers 2 Civilians Total: 5⁸	1 Special Police Officer 2 Civilians Total: 3⁹
Indefinite Suspensions	7 Police Officers 5 Special Police Officers 2 Police Recruits 5 Civilians Total: 19¹⁰	12 Police Officers 2 Civilians Total: 14¹¹
Suspensions	96 Police Officers 27 Civilians Total: 123¹²	40 Police Officers 2 Civilians Total: 42¹³
Oral Reprimand and Re-training	77 Police Officers 26 Civilians Total: 103¹⁴	36 Police Officers 5 Civilians Total: 41¹⁵
Written Reprimand/Warning Notice	34 Police Officers 4 Civilians Total: 38¹⁶	13 Police Officers 2 Civilians Total: 15¹⁷

⁸ One officer was terminated as a result of a 2016 investigation. All others were terminated as a result of a 2019 investigation.

⁹ All terminations were a result of investigations launched in 2019.

¹⁰ All indefinite suspensions were a result of investigations launched in 2019.

¹¹ All indefinite suspensions were a result of investigations launched in 2020.

¹² Forty-two officers and six civilians were suspended as a result of investigations launched in 2018. The rest were investigations that were launched in 2019.

¹³ Four officers were suspended as a result of investigations launched in 2018; 13 from investigations launched in 2019, and the rest resulted from investigations launched in 2020.

¹⁴ Twenty-three officers and three civilians were reprimanded following investigations launched in 2018, and the rest as a result of investigations launched in 2019.

¹⁵ One officer was reprimanded following an investigation launched in 2018; 4 officers and 3 civilians were reprimanded as a result of 2019 investigations; and the rest were 2020 investigations.

¹⁶ Two officers and one civilian received warning notices as a result of a 2018 investigation, and the rest following a 2019 investigation.

¹⁷ Ten officers and two civilians received warning notices as a result of 2019 investigations, and the rest as a result of 2020 investigations.

In 2020—unlike the five-year period preceding DOJ’s 2014 report—NPD took disciplinary action against members for misconduct related to excessive force.¹⁸ More generally, as indicated in the table above, in 2019 and 2020, NPD continued to administer a variety of disciplinary actions for officers guilty of misconduct, oftentimes as a result of investigations started one or two years prior. Over the past two years, the number of terminations of NPD officers remained mostly constant, with five terminations in 2019 and three in 2020. Over the same period, NPD has suspended or reprimanded members on 395 occasions, although there was a noticeable decline in the amount of those disciplinary actions taken in 2020 compared to the previous year. This decline is likely attributable, at least in part, to several factors, including the absence of trials or disciplinary conferences during April and May 2020 as NPD limited in-person meetings due to COVID-19.¹⁹ The reduction also may be the result of NPD officers and its civilian employees conducting themselves consistent with NPD’s policies and training because of more assertive internal affairs action.

The Monitoring Team will continue to closely review NPD’s developments in internal affairs to be sure that the outcomes contemplated by the Consent Decree are realized.

¹⁸ See <https://npd.newarkpublicsafety.org/assets/docs/transparency/202011.pdf> (November 2020 Professional Standards Data showing that NPD disciplined 2 officers for excessive force). Over the two-year period between 2019 and 2020, other officers were disciplined for misconduct related to “Use of Force” or NPD’s Use of Force policy. However, the available Professional Standards data is unclear as to whether these incidents involved excessive force. See e.g., <https://npd.newarkpublicsafety.org/assets/docs/transparency/201906.pdf> (June 2019 Professional Standards Data showing that NPD suspended one officer and reprimanded another for a “Use of Force” violation).

¹⁹ See <https://npd.newarkpublicsafety.org/assets/docs/transparency/202004.pdf> (April 2020 Professional Standards Data indicating “No Trials or Command Conferences due to COVID19 Protocol”); <https://npd.newarkpublicsafety.org/assets/docs/transparency/202005.pdf> (May 2020 Professional Standards Data indicating same).

D. Youth Engagement Strategy

Newark youth are an integral part of community-police relations, as evidenced by various Consent Decree requirements directed to this segment of Newark residents. For example, NPD must train officers on “how to create positive interactions with youth.” (Consent Decree ¶ 14(a)). Additionally, Paragraph 17 requires NPD to implement mechanisms to “measure the breadth, extent, and effectiveness of its . . . outreach to youth.” As such, the Monitoring Team has encouraged NPD to develop a youth engagement strategy. Such a strategy will lead to a consistent engagement with the youth of the City and will benefit the youth of Newark by creating positive relations with NPD. (*See* Twelfth Quarterly Report, Section II.B.) The Independent Monitor believes that a comprehensive youth engagement strategy will help NPD satisfy the above Consent Decree requirements as it is critical to NPD’s long-term success in implementing and institutionalizing its youth outreach efforts and the Consent Decree’s reforms.

As stated in the Twelfth Quarterly Report (covering the period from October 1, 2019 to December 31, 2019), NPD shared a first draft of its Youth Engagement Strategy with the Monitoring Team in February 2020. However, prior to the Monitoring Team’s review of that initial draft, NPD requested that the Monitoring Team pause its review so that it could seek comment and feedback from community stakeholders. Subsequently, NPD shared a draft of the strategy with the *All Stars Project of New Jersey*, a non-profit organization focusing on inner city youth. The *All Stars Project* staff hosted virtual meetings with 18 grassroots organizations, with

an emphasis on youth-focused organizations, to gather feedback on the draft strategy.²⁰ NPD then incorporated this feedback into a revised draft of its Youth Engagement Strategy.²¹

NPD's decision to seek input from Newark youth in particular shows the Division's continued progress in including community engagement into its regular practices. In the past, the City and NPD have implemented practices that directly impact young people in Newark without first seeking their input. For example, during the Summer of 2018, the City and NPD announced that it would enforce its Annual Summer Juvenile Curfew.²² As part of the measure, between July 6 and September 3, 2018, NPD officers enforced a curfew ordinance upon unaccompanied minors (under age 18) who were more than 100 yards from their residence from 11 p.m. to 5:30 a.m.

During listening sessions conducted by the Monitoring Team in the Summer and Fall of 2018, Newark youth raised concerns about the impact of the curfew on young people, such as the implications of involving them in the juvenile justice system, or unfairly punishing youth who may be outdoors in violation of the curfew, but otherwise were not involved in any problematic behavior. (*See* Ninth Quarterly Report, Appendix E.) More importantly, youth questioned the process by which the curfew was implemented. Specifically, they inquired about whether there had been any discussion regarding the rules and penalties related to the curfew before its implementation and, if so, whether young people had been involved in that discussion.

²⁰ *See Newark Police Division Ninth Status Report* (Dec. 30, 2020), available at https://c3bb32f4-4b49-462c-abf8-5d2c1d510fe0.filesusr.com/ugd/582c35_a7f0008637624d10bac75a4c18061701.pdf.

²¹ *Id.*

²² Press Release, *Mayor Baraka Announces 2018 Summer Curfew* (July 6, 2018) <https://www.newarknj.gov/news/mayor-baraka-announces-summer-2018-juvenile-curfew-initiative-curfew>.

In general, many young people who participated in the listening sessions expressed a desire for *greater* involvement in NPD's development of youth-focused practices.

It is hopeful that NPD's effort to incorporate the suggestions of Newark youth and youth serving organizations *before* finalizing the draft of its youth engagement strategy reflects an improvement in the City and NPD's approach to making decisions that impact Newark youth.

After this reporting period, the Monitoring Team reviewed a draft of NPD's revised Youth Engagement Strategy and provided comments to NPD. The Monitoring Team will report developments in this area in future quarterly reports.

III. APPENDICES

- A. Compliance Chart**
- B. Audit Status Chart**
- C. Amended *Second Training Records Audit Report***

Appendix A

**Consent Decree Compliance and Implementation
(March 30, 2016 to July 9, 2021)**

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I. Definitions

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

1. Not Assessed

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

2. 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.

8. Effective Date

The “Effective Date” is March 30, 2016. *See* Consent Decree, Section II(4)(s).

9. Operative Date

The “Operational Date” is July 12, 2016. *See* Consent Decree, Section II(4)(ff).

II. General Officer Training

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement ¹	Status	Discussion
NPD will provide officers at least 40 hours of in-service training each year.	¶ 9	Within two years of the Effective Date (March 30, 2018) and then annually thereafter	Ongoing	Eight hours of community policing training was provided in 2019.
NPD will provide training to officers regarding the requirements of the Consent Decree, and the timeline for their implementation.	¶ 10	Within 90 days of the Operational Date (October 10, 2016)	Preliminary Compliance	See First Quarterly Report, Section IV(B).
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of individual policies	N/A	The status for training requirements for each Consent Decree area (e.g., use of force, bias-free policing), are located in those sections of this Chart.
NPD will maintain complete and consistent training records for all officers.	¶ 12	Within two years of the Effective Date (March 30, 2018) ²	Initial Development	See Sixteenth Quarterly Report, Appendix C.

¹ Deadlines in the Compliance Chart reflect the original deadlines set forth in the Consent Decree. The deadlines do not reflect deadlines established as part of the First or Second-Year Monitoring Plans.

² Consent Decree Paragraph 5 provides that “NPD will develop comprehensive and agency-wide policies and procedures that are consistent with and incorporate all substantive requirements of this Agreement. Unless otherwise noted, NPD will develop and implement all such policies, procedures, and manuals within two years of the Effective Date.”

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

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

Community Engagement and Civilian Oversight (including Community Policing) Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD will assign two officers to each precinct to work with residents to identify and address communities' priorities, and who are not assigned to answer calls for service except in exigent circumstances.	¶ 16	Pending completion of the assessment required in ¶ 15	Non-Compliance	The First Community-Oriented Policing and Engagement Audit Report will be included in a forthcoming quarterly report.
NPD will implement mechanisms to measure the breadth, extent, and effectiveness of its community partnerships and problem-solving strategies, including officer outreach, particularly outreach to youth.	¶ 17	Within 210 days of the Operational Date (February 7, 2017)	Non-Compliance	The First Community-Oriented Policing and Engagement Audit Report will be included in a forthcoming quarterly report.
NPD will prepare a publicly available report of its community policing efforts overall and in each precinct.	¶ 18	Within 240 days of the Operational Date March 9, 2017	Non-Compliance	The First Community-Oriented Policing and Engagement Audit Report will be included in a forthcoming quarterly report.
NPD and the City will implement practices to seek and respond to input from the community about the Consent Decree's implementation. Such practices may include direct surveys, comment cards and town hall meetings.	¶ 19	Within two years of the Effective Date (March 30, 2018)	Non-Compliance	The First Community-Oriented Policing and Engagement Audit Report will be included in a forthcoming quarterly report.
All NPD studies, analyses, and assessments required by this Agreement will be made publicly available, including on NPD and City websites, in English, Spanish, and Portuguese, to the fullest extent permitted under law.	¶ 20	Within two years of the Effective Date (March 30, 2018)	Non-Compliance	The First Community-Oriented Policing and Engagement Audit Report will be included in a forthcoming quarterly report.

Community Engagement and Civilian Oversight (including Community Policing) Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD will implement a policy to collect and maintain all data and records necessary to facilitate transparency and wide public access to information related to NPD policies and practices, as permitted by law.	¶ 21	Within two years of the Effective Date (March 30, 2018)	Administrative Compliance	The First Community-Oriented Policing and Engagement Audit Report will be included in a forthcoming quarterly report.
NPD and the City will cooperate with the design and conduct of the Monitor's surveys by, for example, helping to organize focus groups of officers and obtaining and providing previous survey instruments and data. The reports of the baseline and annual surveys will be provided to the Court and be publicly distributed and available on the City's and NPD's websites.	¶ 24	N/A	Non-Compliance	The First Community-Oriented Policing and Engagement Audit Report will be included in a forthcoming quarterly report.

IV. Stops, Searches, and Arrests

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

Stops, Searches, and Arrests Continued

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

Stops, Searches, and Arrests Continued

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

V. Bias-Free Policing

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD will review and revise its current bias-free policing policy to ensure compliance with Consent Decree, consistent with Section VII.	¶ 5	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of policy	Preliminary Compliance	See Ninth Quarterly Report, Appendix C.
NPD will provide all NPD personnel with a minimum of eight hours of training on bias-free policing, including implicit bias, procedural justice, and police legitimacy, and at least four hours annually thereafter.	¶ 63	July 1, 2017	Preliminary Compliance	See Ninth Quarterly Report, Appendix C.
NPD will prohibit officers from considering any demographic category when taking, or refraining from taking, any law enforcement action, except when such information is part of an actual and credible description of a specific suspect in an ongoing investigation that includes other appropriate non-demographic identifying factors. NPD will also prohibit officers from using proxies for demographic category, including language ability, geographic location, mode of transportation, or manner of dress.	¶ 64	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will conduct quarterly demographic analyses of its enforcement activities to ensure officer, unit and Division compliance with the bias-free policing policy.	¶ 65	Within two years of the Effective Date (March 30, 2018) and then Quarterly thereafter.	Non-Compliance	See Fourth Quarterly Report, Section III(B)(4).

VI. Use of Force

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

Use of Force Continued

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

Use of Force Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD will require that officers notify their supervisor as soon as practicable following any reportable use of force.	¶ 76	Within two years of the Effective Date (March 30, 2018)	Administrative Compliance	The First Use of Force Audit Report will be included in a forthcoming quarterly report.
NPD, in consultation with Monitor and DOJ, will categorize force into levels to report, investigate, and review each use of force. The levels will be based on the factors set forth in ¶ 77.	¶ 77	Within two years of the Effective Date (March 30, 2018)	Administrative Compliance	The First Use of Force Audit Report will be included in a forthcoming quarterly report.
NPD will establish a Serious Force Investigation Team (“SFIT”) to review Serious Force Incidents, conduct criminal and administrative investigations of Serious Force incidents, and determine whether incidents raise policy, training, tactical, or equipment concerns. Lower or intermediate force incidents will be investigated by line supervisors.	¶ 78	Within two years of the Effective Date (March 30, 2018)	Administrative Compliance	The First Use of Force Audit Report will be included in a forthcoming quarterly report.
Every level of force reporting and review will include the requirements set forth in ¶ 79.	¶ 79	Within two years of the Effective Date (March 30, 2018)	Administrative Compliance	The First Use of Force Audit Report will be included in a forthcoming quarterly report.
Upon arrival at the scene, the supervisor will identify and collect evidence sufficient to establish the material facts related to use of force, where reasonably available.	¶ 80	Within two years of the Effective Date (March 30, 2018)	Administrative Compliance	The First Use of Force Audit Report will be included in a forthcoming quarterly report.

Use of Force Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
All officers who used force above Low Level will provide an oral Use of Force statement in person to the supervisor on the scene prior to the subject's being booked, or released, or the contact otherwise concluded, unless impractical under the circumstances.	¶ 81	Within two years of the Effective Date (March 30, 2018)	Administrative Compliance	The First Use of Force Audit Report will be included in a forthcoming quarterly report.
Pursuant to policy and as necessary to complete a thorough, reliable investigation, supervisors will comply with the requirements of ¶ 82.	¶ 82	Within two years of the Effective Date (March 30, 2018)	Administrative Compliance	The First Use of Force Audit Report will be included in a forthcoming quarterly report.
Supervisors will investigate and evaluate in writing all uses of force for compliance with law and NPD policy, as well as any other relevant concerns.	¶ 83	Within two years of the Effective Date (March 30, 2018)	Administrative Compliance	The First Use of Force Audit Report will be included in a forthcoming quarterly report.
Supervisors' documentation of the investigation and evaluation will be completed within 72 hours of the use of force, unless the supervisor's commanding officer approves an extension.	¶ 84	Within two years of the Effective Date (March 30, 2018)	Administrative Compliance	The First Use of Force Audit Report will be included in a forthcoming quarterly report.
NPD will analyze the data captured in officers' force reports and supervisors' investigative reports on an annual basis to identify significant trends, to correct deficient policies and practices, and to document its findings in an annual report that will be made publicly available pursuant to Section XV of the Consent Decree.	¶ 85	Within two years of the Effective Date and annually thereafter (March 30, 2018)	Administrative Compliance	The First Use of Force Audit Report will be included in a forthcoming quarterly report.
Use of Force Review (¶¶ 86-89)				

Use of Force Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
The chain-of-command supervisor reviewing the investigative report will ensure that the investigation is thorough, complete, and makes the necessary and appropriate findings of whether the use of force was lawful and consistent with policy. Each higher-level supervisor in the chain of command will review the investigative report to ensure that it is complete, the investigation was thorough, and that the findings are supported by a preponderance of the evidence.	¶ 86	Within two years of the Effective Date (March 30, 2018)	Administrative Compliance	The First Use of Force Audit Report will be included in a forthcoming quarterly report.
A supervisor should ensure that additional investigation is completed when it appears that additional relevant and material evidence may assist in resolving inconsistencies or improve the reliability or credibility of the findings.	¶ 87	Within two years of the Effective Date (March 30, 2018)	Administrative Compliance	The First Use of Force Audit Report will be included in a forthcoming quarterly report.
When the precinct or unit commander finds that the investigation is complete and the evidence supports the findings, the investigation file will be forwarded to the Use of Force Review Board.	¶ 88	Within two years of the Effective Date (March 30, 2018)	Administrative Compliance	The First Use of Force Audit Report will be included in a forthcoming quarterly report.
Reporting and Investigation of Serious Force Incidents (¶¶ 90-94)				

Use of Force Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD will create a multi-disciplinary Serious Force Investigation Team (“SFIT”) to conduct both the criminal and administrative investigations of Serious Force incidents, and to determine whether these incidents raise policy, training, tactical, or equipment concerns. SFIT will operate consistent with ¶¶ 91-94.	¶¶ 90-94	Within two years of the Effective Date (March 30, 2018)	Administrative Compliance	NPD has created an All Force Investigation Team (“AFIT”) to address this Consent Decree requirement. The First Use of Force Audit Report will be included in a forthcoming quarterly report.
NPD will develop and implement a SFIT training curriculum and procedural manual. NPD will ensure that officers have received, read and understand their responsibilities pursuant to the General Order establishing the AFIT and General Orders establishing line supervisors’ responsibilities to investigate lower and intermediate use of force incidents and that the topic is incorporated into the in-service training required.	¶¶ 11, 90	Within 60 days after approval of policies	Administrative Compliance	The First Use of Force Audit Report will be included in a forthcoming quarterly report.

Use of Force Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
Use of Force Review Board (¶¶ 95-102)				
NPD will implement a General Order establishing the Use of Force review Board (“UFRB”), ensure that it is staffed consistent with the Consent Decree provisions, and ensure that the responsibilities assigned are consistent with Consent Decree provisions.	¶¶ 95-102	Within two years of the Effective Date (March 30, 2018)	Administrative Compliance ³	The First Use of Force Audit Report will be included in a forthcoming quarterly report.
NPD’s UFRB will conduct timely, comprehensive, and reliable reviews of all Intermediate and Serious Force incidents. The UFRB also will conduct the administrative review of incidents in which the ECPO has completed an investigation pursuant to New Jersey Attorney General Directive 2006-05.	¶¶ 95-102	Ongoing	Administrative Compliance	The First Use of Force Audit Report will be included in a forthcoming quarterly report.
Each member of the UFRB will receive a minimum of eight hours of training on an annual basis, including legal updates regarding use of force and the Training Section’s current use of force curriculum.	¶ 97	Within 60 days after approval of policies	Administrative Compliance	The First Use of Force Audit Report will be included in a forthcoming quarterly report.
The NPD will include the civilian oversight entity in the review of completed SFIT investigations, as permitted by law.	¶ 101	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during a future compliance audit.

³ NPD has not yet been able to implement Consent Decree Paragraph 101, which requires the Division to “include the civilian oversight entity in the review of completed SFIT investigations, as permitted by law.” That deficiency results not from any failure by NPD, but rather due to ongoing litigation brought by the Fraternal Order of Police (FOP), a Newark police union.

VII. In-Car and Body-Worn Cameras

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

VIII. Theft (including Property and Evidence Management)

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

Theft (including Property and Evidence Management) Continued

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

Theft (including Property and Evidence Management) Continued

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

IX. Internal Affairs: Complaint Intake and Investigation

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
Complaint Process (¶¶ 112-120)				
NPD will create an Internal Affairs: Complaint Intake and Investigation policy or policies to ensure compliance with Section XI of the Consent Decree.	¶ 5, Section XI	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the Internal Affairs: Complaint Intake and Investigation policy or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of policy	Non-Compliance	See Ninth Quarterly Report, Appendix C.
The City and NPD, in collaboration with the civilian oversight entity or other community input, will develop and implement a program to effectively publicize to the Newark community how to make misconduct complaints.	¶ 112	Within 365 days of the Operational Date (July 12, 2017)	Not Assessed	
NPD and the City will revise and make forms and other materials outlining the complaint process and OPS contact information available on their website and appropriate government properties.	¶ 113	Within two years of the Effective Date (March 30, 2018)	Initial Development	See Fifth Quarterly Report, Section III(C)(4).
NPD will accept all complaints, by all methods and forms detailed in ¶ 114.	¶ 114	Ongoing	Initial Development	See Fifth Quarterly Report, Section III(C)(4).

Internal Affairs: Complaint Intake and Investigation Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD will provide civilians, including complainants and witnesses to alleged police misconduct, with full access to NPD's complaint process. NPD will review and revise its policies for releasing complaints and misconduct allegations to make such complaints and allegations publicly available and ensure compliance with the Consent Decree.	¶ 115	Ongoing	Initial Development	See Eighth Quarterly Report, Section II(D)(2).
NPD will train all police personnel, including dispatchers, to properly handle complaint intake; the consequences for failing to take complaints; and strategies for turning the complaint process into positive police-civilian interaction.	¶ 116	Within 180 days of the Operational Date (January 8, 2017)	Non-Compliance	
NPD will conduct regular, targeted, and random integrity audits to identify officers or other employees who refuse to accept or discourage the filing of misconduct complaints, fail to report misconduct or complaints, or provide false or misleading information about filing a misconduct complaint.	¶ 117	Ongoing	Non-Compliance	See Seventh Quarterly Report, Section II(C).
NPD will review the results of the audits conducted pursuant to ¶ 117 and take appropriate action to remedy any problematic patterns or trends.	¶¶ 117-118	Ongoing	Not Assessed	See Sixth Quarterly Report, Section III(F)(2)(a).

Internal Affairs: Complaint Intake and Investigation Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD will require that all officers and employees report allegations of criminal behavior or administrative misconduct by another NPD officer toward a member of the public, that they may observe themselves or receive from another source, to a supervisor or directly to OPS for review and investigation. When a supervisor receives such allegations, the supervisor will promptly document and report this information to OPS.	¶ 119	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will investigate as a misconduct complaint any information or testimony arising in criminal prosecutions or civil lawsuits that indicate potential officer misconduct not previously investigated by NPD.	¶ 120	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
Complaint Classification and Assignment of Investigative Responsibility (¶¶ 121-125)				
NPD will adopt and implement a complaint classification protocol that is based on the nature of the alleged misconduct, in order to guide OPS in determining where a complaint should be assigned for investigation.	¶ 121	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Fifth Quarterly Report, Section III(A)(5).
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of protocol	Non-Compliance	
NPD's OPS will investigate all allegations of Serious Misconduct as defined in the Consent Decree.	¶ 122	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.

Internal Affairs: Complaint Intake and Investigation Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD shall develop a protocol for determining whether other complaints will be assigned to the subject officer's supervisor, the precinct's Integrity Compliance Officer, or retained by OPS for an administrative investigation. OPS will also determine whether the misconduct complaint warrants a referral to federal or state authorities for a criminal investigation.	¶ 123	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	
OPS will routinely monitor investigations referred to officers' precincts and specialized units for quality, objectivity and thoroughness, and take appropriate action if investigations are deficient. OPS will identify trends in investigative or leadership deficiencies.	¶ 124	Ongoing	Non-Compliance	See Sixth Quarterly Report, Section III(B)(6).
OPS will routinely monitor investigations referred to officers' precincts and specialized units for quality, objectivity and thoroughness, and take appropriate action if investigations are deficient. OPS will also identify trends in investigative or leadership deficiencies.	¶ 124	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will maintain a centralized numbering and tracking system for all misconduct complaints.	¶ 125	Within two years of the Effective Date (March 30, 2018)	Initial Development	See Fifth Quarterly Report, Section III(C)(4).
Misconduct Complaint Investigation (¶¶ 126-136)				
NPD will review and revise its policies for releasing complaints and misconduct allegations to incorporate the requirements set out in ¶¶ 126-136.	¶¶ 126-136	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	

Internal Affairs: Complaint Intake and Investigation Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of protocol	Non-Compliance	
Parallel Administrative and Criminal Investigations of Officer Misconduct (¶¶ 137-140)				
If after a reasonable preliminary inquiry into an allegation of misconduct, or at any other time during the course of an administrative investigation, the OPS has cause to believe that an officer or employee might have engaged in criminal conduct, the OPS will refer the matter to the ECPO, DOJ, or other law enforcement agency as appropriate.	¶ 137	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
Notwithstanding the referral and unless otherwise directed by the prosecutive agency, NPD will proceed with its administrative investigations. Under no circumstances will OPS compel a statement from the subject officer without first consulting with the Chief or Director and with the prosecuting agency.	¶ 138	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will not automatically end its administrative investigation in matters in which the prosecuting agency declines to prosecute or dismisses after initiation of criminal charges. Instead, NPD will require investigators to conduct a complete investigation and assessment of all relevant evidence.	¶ 139	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will work with DOJ, the ECPO, and the New Jersey Attorney General's Office as appropriate to improve its processes for investigations of use of force incidents and referrals of complaints of police misconduct for criminal investigation.	¶ 139	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.

Internal Affairs: Complaint Intake and Investigation Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
Review and Analysis of Investigations (¶¶ 141-143)				
NPD will train OPS supervisors to ensure that investigations are thorough and complete, and that investigators' conclusions and recommendations that are not adequately supported by the evidence will not be approved or accepted.	¶ 141	Within 60 days after approval of policy	Non-Compliance	
NPD will develop and implement a protocol for regular supervisory review and assessment of the types of complaints being alleged or sustained to identify potential problematic patterns and trends.	¶¶ 142-143	Within two years of the Effective Date (March 30, 2018)	Non-Compliance	
Staffing and Training Requirements (¶¶ 144-149)				
Within 30 days of the Operational Date, NPD will review staffing of OPS and ensure that misconduct investigators and commanders possess appropriate investigative skills, a reputation for integrity, the ability to write clear reports with recommendations supported by the evidence, and the ability to assess fairly and objectively whether an officer has committed misconduct.	¶¶ 144, 145	Within 30 days of the Operational Date (August 11, 2016)	Operational Compliance (achieved after deadline)	See Second Quarterly Report.
NPD will use a case management system to track and maintain appropriate caseloads for OPS investigators and promote the timely completion of investigations by OPS.	¶ 146	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will require and provide appropriate training for OPS investigators upon their assignment to OPS, with refresher training at periodic intervals. At a minimum, NPD will provide 40 hours of initial training and eight hours additional in-service training on an annual basis.	¶¶ 147, 148	Within 60 days after approval of protocol and annually thereafter	Non-Compliance	

Internal Affairs: Complaint Intake and Investigation Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD will improve OPS' complaint tracking and assessment practices in accordance with ¶ 149.	¶ 149	Within two years of the Effective Date (March 30, 2018)	Non-Compliance	See Eighth Quarterly Report, Section II(C).

X. Compliance Reviews and Integrity Audits

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
<p>NPD will conduct integrity audits and compliance reviews to identify and investigate all officers who have engaged in misconduct including unlawful stops, searches, seizures, excessive uses of force; theft of property or other potential criminal behavior; racial or ethnic profiling and bias against lesbian, gay bisexual and transgender persons.</p> <p>The integrity audits will also seek to identify officers who discourage the filing of complaints, fail to report misconduct or complaints, or otherwise undermine NPD's integrity and accountability systems.</p>	¶¶ 150, 151	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	NPD has begun to conduct some integrity audits (e.g., body-worn cameras, and stops). See Seventh Quarterly Report, Section II(D)(2).

XI. Discipline

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD will adopt policies that are consistent and fair in their application of officer discipline, including establishing a formal, written, presumptive range of discipline for each type of violation.	Section XIII	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of guidance	Non-Compliance	See Ninth Quarterly Report, Appendix C.
NPD will apply discipline for sustained allegations of misconduct based on the nature and severity of the policy violation and defined mitigating and aggravating factors, rather than the officer's identity, rank or assignment; relationship with other individuals; or reputation in the broader community.	¶ 152	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will implement disciplinary guidance for its personnel that addresses the topics addressed in ¶ 153 of the Consent Decree.	¶ 153	Within 90 days of the Operational Date (October 10, 2016)	Non-Compliance	
NPD will establish a unified system for reviewing sustained findings and applying the appropriate level of discipline pursuant to NPD's disciplinary guidance.	¶ 154	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will conduct annual reviews of its disciplinary process and actions.	¶ 155	Annually	Non-Compliance	

XII. Data Systems Improvement

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
Early Warning System (¶¶ 156-161)				
NPD will enhance its Early Warning System (“EWS”) to support the effective supervision and management of NPD officers.	¶ 156	Within one year of the Effective Date (March 30, 2017)	Non-Compliance	See Ninth Quarterly Report, Section II(A).
City will provide sufficient funding to NPD to enhance its EWS.	¶ 156	Within one year of the Effective Date (March 30, 2017)	Non-Compliance	See Ninth Quarterly Report, Section II(A).
NPD will develop and implement a data protocol describing information to be recorded and maintained in the EWS.	¶ 157	Within two years of the Effective Date (March 30, 2018)	Non-Compliance	See Ninth Quarterly Report, Section II(A).
NPD will revise its use of EWS as an effective supervisory tool. To that end, the EWS will use comparative data and peer group analysis to identify patterns of activity by officers and groups of officers for supervisory review and intervention.	¶ 158-160	Within two years of the Effective Date (March 30, 2018)	Non-Compliance	See Ninth Quarterly Report, Section II(A).
NPD will continue to use its current IAPro software's alert and warning features to identify officers for intervention while further developing and implementing an EWS that is fully consistent with this Agreement.	¶ 161	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
Records Management System (“RMS”) (¶¶ 162-163)				
NPD will revise its use and analysis of its RMS to make efficient and effective use of the data in the System and improve its ability to interface with other technology systems.	¶ 162	Within two years of the Effective Date (March 30, 2018)	Non-Compliance	See Ninth Quarterly Report, Section II(A).

Data Systems Improvement Continued

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
City will provide sufficient funding and personnel to NPD so NPD can revise its use and analysis of its Record Management System.	¶ 163	N/A	Non-Compliance	See Ninth Quarterly Report, Section II(A).

XIII. Transparency and Oversight

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
NPD will make its policies publicly available, and will regularly report information regarding officer use of force; misconduct complaints; and stop/search/arrest data.	¶ 164	Ongoing	Not Assessed	
NPD will work with the civilian oversight entity to overcome impediments to the release of information consistent with law and public safety considerations.	¶ 165	N/A	Not Assessed	
On at least an annual basis, NPD will issue reports, summarizing and analyzing the stop, search, arrest and use of force data collected, the analysis of that data, and the steps taken to correct problems and build on successes.	¶¶ 85, 168	Annually	Non-Compliance	

XIV. Consent Decree Implementation and Enforcement

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
Consent Decree Implementation Unit				
The City and NPD will form an interdisciplinary unit to facilitate the implementation of the Consent Decree.	¶ 196	Within 180 days after the Effective Date (September 26, 2016)	Operational Compliance	
The City implementation unit will file a status report with the Court, delineating the items set forth in the Consent Decree.	¶ 197	Within 180 days after the Effective Date (September 26, 2016) and every six months thereafter	Operational Compliance	

Appendix B

STATUS OF CONSENT DECREE AUDITS**Monitoring Team's Sixteenth Quarterly Report — October 1 to December 31, 2020**

The following chart notes the status of the Monitoring Team's Consent Decree audits that are either in progress or have been completed.

Audit	Status	Audit Result
Training Records Audited Consent Decree Area(s): Paragraphs 9, 12 and 173	March 15, 2019: 45-day notice is issued for first audit October 15, 2019: First audit report is issued in the Monitor's Tenth Quarterly Report January 16, 2020: 45-day notice issued for second audit January 28, 2021: Second audit report is issued in the Monitor's Fifteenth Quarterly Report ¹	<i>First</i> Training Records Audit: Compliance with Paragraph 12 (Paragraphs 9 and 173 not audited) <i>Second</i> Training Records Audit: Compliance with Paragraph 173² (Paragraphs 9 and 12 not audited)
Community-Oriented Policing and Engagement Audited Consent Decree Area(s): Paragraphs 14-21, 24, and 174(e)	March 6, 2020: 45-day notice is issued for first audit June 26, 2020: First audit in progress	The Monitoring Team will comment on the results of this audit during a future quarterly report.
Body-Worn Cameras Audited Consent Decree Area(s): Paragraphs 103 and 104	May 24, 2019: 45-day notice is issued for first audit April 27, 2020: First audit report is issued in the Monitor's Twelfth Quarterly Report February 3, 2020: 45-day notice is issued	<i>First</i> Body-Worn Camera Audit: Non-Compliance

¹ The Independent Monitor's Amended Second Training Records Audit Report is attached to this Quarterly Report as **Appendix C**.

² The Monitoring Team concluded that NPD made significant progress implementing recommendations included in the *First* Training Records audit; however, the Monitoring Team was unable to assess compliance with Paragraph 12 during the *Second* Training Records audit because restrictions on in-person Monitorship activities prevented the Monitoring Team from determining whether training materials, including curricula, lesson plans and related course documents were being properly maintained at the Police Academy. The Monitoring Team's next (third) training records audit will assess compliance with Consent Decree Paragraphs 12 and 173. Additionally, the Monitoring Team's third training records audit will assess whether NPD has trained all relevant personnel with respect to Bias-Free Policing, which was administered after completion of the second training records audit.

Audit	Status	Audit Result
	<p>for second audit</p> <p>The <i>Second</i> Body-Worn Camera audit has been delayed due to limitations on in-person monitorship activities and technical limitations of the City and NPD. The Monitoring Team will resume this audit when it is safe to do so per public health guidance or when the City and NPD develop the technologies to allow the Monitoring Team to conduct this audit remotely.</p>	
<p>In-Car Cameras</p> <p>Audited Consent Decree Area(s): Paragraphs 103 and 104</p>	<p>February 3, 2020: 45-day notice is issued for first audit</p> <p>The <i>First</i> In-Car Camera audit has been delayed due to limitations on in-person monitorship activities and technical limitations of the City and NPD. The Monitoring Team will resume this audit when it is safe to do so per public health guidance or when the City and NPD develop the technologies to allow the Monitoring Team to conduct this audit remotely.</p>	
<p>Use of Force</p> <p>Audited Consent Decree Area(s): Paragraphs 66-102; 174 (b)</p>	<p>October 15, 2019: 45-day notice is issued for first audit</p> <p>The <i>First</i> Use of Force audit was delayed due to limitations on in-person monitorship activities and the City's and NPD's technical limitations to making data available to the Monitoring Team remotely. After this reporting period, the Monitoring Team was able to resume work after NPD implemented a temporary technical solution and will include the results of this audit in a future quarterly report.³</p>	<p>The Monitoring Team will comment on the results of this audit during a future quarterly report.</p>
<p>Stops</p>	<p>January 17, 2020: 45-day notice is issued for first audit</p>	

³ As reported in the Monitor's Fourteenth Quarterly Report, after several attempts to use other technologies, NPD decided to save copies of the relevant body-worn camera videos on encrypted, password-protected external drives and provide the drives to the members of the Monitoring Team conducting the audit.

Audit	Status	Audit Result
Audited Consent Decree Area(s): Paragraphs 25-28, 43, 51-62, 65, 164, 168, and 174 (a), (d), and (e)	The <i>First Stop</i> audit has been delayed due to limitations on in-person monitorship activities and technical limitations of the City and NPD. The Monitoring Team will resume this audit when it is safe to do so per public health guidance or when the City and NPD develop the technologies to allow the Monitoring Team to conduct this audit remotely.	

The following chart notes the remaining Consent Decree audits that the Monitoring Team will begin after in-person monitorship activities resume.

Subject Matter Area	Status
Property Consent Decree Area(s): Paragraphs 105, 110 and 111, 174(c)	This audit has been delayed due to limitations on in-person monitorship activities. The Monitoring Team will resume this audit when it is safe to do so per public health guidance.
Internal Affairs: Complaint Intake Consent Decree Area(s): Paragraphs 112-149	The Monitoring Team is currently working with NPD on its Internal Affairs Procedural Manual. The Monitoring Team will provide anticipated timing for audits in this area once NPD has completed its Manual and related training.
Internal Affairs: Discipline Consent Decree Area(s): Paragraphs 152-155	Portions of the Discipline audit are linked to the Complaint Intake requirements. The Monitoring Team will provide an anticipated timing for these portions of the Discipline audit once we are able to provide dates for the Complaint Intake audit, as described above.
Search With or Without A Warrant Consent Decree Area(s): Paragraphs 29-34, 51-62, 164, 168, and 174 (a), (d), and (e)	This audit has been delayed due to limitations on in-person monitorship activities and technical limitations of the City and NPD. The Monitoring Team will resume this audit when it is safe to do so per public health guidance or when the City and NPD develop the technologies to allow the Monitoring Team to conduct this audit remotely.
Arrest With or Without A Warrant Consent Decree Area(s): Paragraphs 35-42, 51-62, 164, 168, and 174 (a), (d), and (e)	This audit has been delayed due to limitations on in-person monitorship activities and technical limitations of the City and NPD. The Monitoring Team will resume this audit when it is safe to do so per public health guidance or when the City and NPD develop the technologies to allow the

Subject Matter Area	Status
	Monitoring Team to conduct this audit remotely.
Bias-Free Policing Consent Decree Area(s): Paragraphs 63-65	NPD is currently administering the Bias-Free training. The Monitoring Team will administer this audit after NPD completes training in this subject area.
Supervision, including All Force Investigations Team Consent Decree Area(s): Paragraphs 90-101, 174(e) & Paragraphs related to Supervisory Review	The Monitoring Team will administer this audit following the initial completion of audits in other subject areas.

Appendix C

Amended Report of the Independent Monitor's Second Audit of the City of Newark and Newark Police Division's Training Records

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This report presents the amended findings of the Independent Monitor, Peter C. Harvey, regarding the Independent Monitoring Team’s Second audit of the City of Newark’s (the “City”) and Newark Police Division’s (“NPD”) compliance with Consent Decree requirements relating to its training records.

I. Review Period: March 1, 2019 – December 31, 2019

II. Reviewers

Robert Wasserman, Hillard Heintze
Thomas J. O’Reilly, Rutgers Center on Policing
Linda Tartaglia, Rutgers Center on Policing
Roselyn Parks, Rutgers Center on Policing

III. Off-Site (Virtual) Review Conducted: August 15 and September 4, 2020

IV. Background

Paragraph 173 of the Consent Decree provides:

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

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

On January 16, 2020, the Monitoring Team informed both the Newark Police Division (“NPD”) and United States Department of Justice—the Parties to the Consent Decree—that it would conduct its *Second* Training Records Audit to determine whether the Newark Police Division (“NPD”) maintained records demonstrating that it had (or would) administer training to all relevant officers in the following Consent Decree areas: (1) community-oriented policing, (2) stops, searches and arrests, (3) use of force, and (4) in-car and body-worn cameras. *See Exhibit A*. These training sessions were the only substantive Consent Decree-required trainings that NPD had begun to administer at the time.

This Audit Report documents whether (i) the records of all trainings provided between March 1, 2019 and December 31, 2019 have been properly recorded in *PowerDMS*, NPD’s electronic records management system and (ii) NPD has administered training required by the Consent Decree to its officers.

The Independent Monitoring Team has adjusted NPD’s compliance score for the Second Training Records Audit based on records that NPD provided to the Monitoring Team after the audit had been completed. On January 8, 2021, NPD provided records to the Monitoring Team showing that some officers who were initially deemed to have missed required trainings were in

fact on military or long-term sick leave during the audit period, and therefore, unable to attend these trainings. This additional information was not reflected in the Second Training Records Audit Report attached as an appendix to the Monitoring Team's Fifteenth Quarterly Report. Based on this new information, the Monitoring Team has decided to amend its audit to account for this small subset of officers who were on military or long-term leave, but were nonetheless included in the audit sample. The Monitoring Team now finds that NPD has complied with certain Consent Decree requirements for the training subjects audited. *See Exhibit B.*

A. Materials Requested and Reviewed

In advance of the Audit, the Monitoring Team requested that NPD make the following materials available:

1. List of all officer badge numbers;
2. Complete list of all Consent Decree-related training that NPD had conducted from March 1 to December 31, 2019, including (a) the topic of the training, (b) the Consent Decree paragraphs addressed, (c) relevant NPD General Orders covered, (d) the start and completion dates, and (e) the number of officers trained;
3. List of NPD officers who meet both of the following criteria: (a) did not receive training on body-worn cameras, stops, searches, and arrests, use of force, and/or community policing; and (b) returned from leave since March 1, 2019. Also requested were records that reflect that prior to March 1, 2019, officers meeting both criteria received the above listed training provided to NPD officers;
4. Complete list of NPD officers who graduated from the Essex County Police Academy since March 1, 2019;
5. Copy of the approved and current training General Order;¹ and
6. The first draft of NPD's Annual Training Schedule, including the schedule for all Consent Decree, New Jersey Attorney General, and NPD-required courses. This schedule should cover the period of January 1 to March 31, 2020 and include the method NPD will utilize to provide weekly updates to the schedule.

These materials were provided by NPD to the Monitoring Team on February 18, 2020.

B. Methodology

The Monitoring Team requested a comprehensive list of all NPD officers, their badge numbers and their duty status as of the end of the outlined audit period (March 1 and December

¹ The Monitoring Team reviewed this policy to determine whether the Monitoring Team's concerns outlined in its First Training Records Audit Report were properly addressed and, to provide NPD with feedback, if necessary.

31, 2019). Once the Monitoring Team received this list from NPD, they identified all personnel from this list who were required to have completed the reviewed trainings (*e.g.*, omitting officers who were on military leave, terminal leave, suspended, *etc.*). These identified officers served as the total population under consideration for inclusion in the Audit sample. From this list of personnel, a random sample of 200 cases was drawn.

Because of the impact of COVID-19, which restricted travel to Newark, the Monitoring Team were not able to access *PowerDMS* in the offices of NPD’s Consent Decree Team. Since the audit required reviewing *Power DMS* records for all officers in the select sample of 200, the NPD Consent Decree Team provided access to records drawn from *PowerDMS* for all of those selected officers, in a remotely accessible, read-only format.

For each officer identified in the sample, the Monitoring Team reviewed his or her training record in *PowerDMS* to determine whether they had attended the four Consent Decree training courses and passed the post-training evaluation associated with each training. The Monitoring Team also reviewed the training records to determine whether, if the officers in the sample had not taken one or more of the courses, *PowerDMS* records reflected the need for the officer to take the course. To achieve Full Compliance, 95% of the officers in the sample must have taken the required course.

Additionally, the Monitoring Team requested NPD’s Training General Order, *General Order 18-28, Training Standards*, and reviewed it to determine whether the requirements of that order were being satisfied.

C. Sample Size

NPD provided training records for all 200 officers identified in the sample. Of the original 200 officer sample, 9 officers were found to have received none of the training being audited. Those officers had only recently joined the NPD following graduation from the County Police Academy. These officers were assigned to foot patrol almost immediately after joining the Division due to the need for increased policing services related to the COVID-19 pandemic and NPD’s suspension of all training to comply with social distancing guidelines and orders from public health officials. These nine officers were removed from the sample. Thus, the sample size audited was 191 officers.

The breakdown of the officers by rank can be found in Chart 1.

Chart 1:

Rank:	Officers:
Deputy Chief	2
Captain	7
Lieutenant	18
Sergeant	16
Patrol officer	148
Total:	191

V. OBSERVATIONS

The accuracy of information concerning training courses officers have attended has been greatly improved by the provision of tablets to each officer attending a training course. Officers use these tablets to log-in for the course and to take post-training tests. That information is then directly loaded into the *PowerDMS* database of officer training records.

The Monitoring Team found that all 191 officers had attended at least some of the courses. The courses that an officer has completed are listed in *PowerDMS* on a page of *Completed Trainings*. *PowerDMS* also displays a page that lists an officer’s post-training test scores, indicating whether the officer has passed the course. Additionally, *PowerDMS* provides information about whether an officer failed a course initially and, later remediated, either by (i) passing a second administration of a test, or (ii) before NPD adopted the practice of retesting officers, having the instructor explain to the student his or her incorrect answers followed by the student acknowledging to the instructor that they understood the material.

For the sample audited, every officer who attended a training course passed the course’s test initially or remediated.

VI. ANALYSIS

For the 191 officers in the sample who had taken all or some of the training, all had training records listed in *PowerDMS*. Among the sample officer records reviewed, the Monitoring Team determined how many officers had received the four substantive Consent Decree-required trainings that NPD had begun to administer during the audit period. Officers who had not completed the training, including passing the required post-training evaluation, were deemed to have missed the training. Calculating the number of officers who received training as a percentage of the officers being audited allowed the Monitoring Team to determine NPD’s performance against the required 95% completion standard required for Full Compliance.

The amended statistical results of the sample can be found below in Chart 2.

Chart 2:

Training Subject	Number of Officers Who Should Have Been Trained	Number Of Officers Missing Training	Compliance Score
Use of Force	189	0	100%
Stop, Search and Arrest	190	0	100%
Body-Worn Camera	190	1	99.47%
Community-Oriented Policing	187	5	97.33%

Based on the adjusted compliance scores, the Monitoring Team has determined that NPD has “trained all relevant personnel as necessary to fulfill their responsibilities” in the following subject matter areas for the audit period (March 1, 2019 to December 31, 2019): (1)

Community-Oriented Policing; (2) Body-Worn Cameras; (3) Stop, Search and Arrest; and (4) Use of Force.

The lack of direct access to the *PowerDMS* prevented the Monitoring Team from determining whether course materials are being stored in that database for each course. Thus, the Monitoring Team were unable to assess NPD's compliance with Consent Decree Paragraph 12 during this audit. However, the Monitoring Team viewed the training files being stored at the Training Division for each course. Those records appeared to be up to date and complete prior to suspension of training courses due to the COVID-19 pandemic.

VII. OBSERVATIONS

The Monitoring Team observed that NPD's training records do not contain a complete listing of training courses that individual officers are required to complete, but have yet to attend. For example, where officers have not had Use of Force training, in many instances, that requirement is not listed in the section of the *PowerDMS* officer record of training as having yet to be completed. It is unclear whether the problem is attributable to how *PowerDMS* classifies training requirements or a failure of NPD staff to input that information into *PowerDMS*.

As a solution, the Monitoring Team suggests that when a course is entered into *PowerDMS* as a required course for all officers, a software process automatically notes that this training is *outstanding* in each officer's training record until the officer has received the training and passed the post-training test. The Monitoring Team note that in all instances, the "Community Policing 2019 training" (a required course) was the only course that always was listed in the *Courses Required* section of officers' files when they had not had that training. Other courses that similarly had not been taken by the officer were not listed.

The Monitoring Team also reviewed the Training General Order issued to NPD on December 31, 2019, *General Order 18-28, Training Standards*. That General Order contained recommendations the Monitoring Team had made to the draft order relating to (1) regular reports on training that had been scheduled and delivered, (2) weekly training reports submitted to the Director, and (3) qualifications for instructors.

Since suspension of training courses due to the COVID-19 pandemic, the reports required by the General Order have not been generated and had not been re-established as of the date of this audit, even though training has resumed.

Because the General Order was issued at the end of 2019, NPD had not put in place all of its requirements by the date of this audit. For example, NPD had not satisfied the requirements for Instructors to be regularly trained and for there to be a master file kept on instructor qualifications, training, and student evaluation results. The Monitoring Team expect that all of the requirements from the General Order will be implemented in the fall of 2020.

VIII. RECOMMENDATIONS

A. Status of NPD's Implementation of the Recommendations from the Monitoring Team's First Training Records Audit

In the prior *First Training Records* audit, dated October 15, 2019, the Monitoring Team made the following recommendations:

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

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

Additionally, the Monitoring Team determined that NPD's training facilities were antiquated and dilapidated. These facilities did not provide an environment conducive to learning or a positive image to those receiving training, particularly recruits during their six to eight-week orientation. New officers receive their first exposure to NPD during training. Poor facilities impair morale and can send the message that officer training is a low priority. The Monitoring Team recommended a temporary change of the training location for new officers while repairs can be made. It was recommended that NPD consider use of classroom space at Rutgers Law School, Seton Hall Law School, and Berkeley College.

As of this audit, the Police Academy remains in a facility that is in general disrepair. Consent Decree Training, however, was moved to a modern classroom at the newly established Seventh Precinct station. This modern classroom is a far superior location for training. It is new, clean and air-conditioned. Holding training in this room represents substantial progress for the Division. NPD still must find a new location for the Police Academy to ensure that training is occurring at the same location as the offices of NPD's training management—a location with space for more than a single classroom. Ideally, the location should have some smaller breakout rooms for small group discussion, which could dramatically improve the quality of training in all courses offered.

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

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

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

information should be stored in two places: the individual instructor files, and in the Master Course Files.

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

(3) The Consent Decree and Planning Division should monitor whether all the requirements of *General Order 18-28* have been implemented.

As of this audit, the recommendations listed above have been codified in *General Order 18-28, Training Standards*. The COVID-19 pandemic has delayed full implementation of these recommendations. Implementation of all the requirements of *General Order 18-28* should be carefully monitored.

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

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

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

We also suggested that the required passing score be raised depending upon the particular subject matter being assessed. Some subject areas **must** require a higher score. For example, Use of Force testing should require close to a 100% score as it is a critical area that concerns serious bodily injury or death. Other tests might require a lower score.

As of this Audit, from discussion with the Consent Decree and Planning Division and the NPD training staff, there is general agreement with these recommendations. These recommendations, however, have not been fully implemented: (a) the use of the post-test has been adopted for Consent Decree training sessions, yet, there does not appear to be agreement on the relative passing scores for different training courses; (b) we recommend that Use of Force training require at least 90% correct answers for an officer to pass; (c) that Stop Search and Arrest training require at least 80% correct answers; and (d) other courses require a minimum of 70%. Additionally, in upcoming annual in-service training programs for these subjects, we

recommend that NPD conduct a pre-test to measure current officer understanding of the material that was in the initial course. This information can provide guidance to NPD regarding the longer-term understanding of the concepts that were taught in the former course.

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

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

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

As of this Audit, substantial improvements have been made. Consent Decree training records are now entered into *PowerDMS* at the time of the course by students using the provided tablet. NPD has completed the process of entering training records of employees into *PowerDMS*.

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

The Monitoring Team recommended that, to ensure NPD optimizes its training resources, it should formalize the process for creating a monthly calendar of trainings, and create an annual training schedule that would include trainings required by (i) the Consent Decree, (ii) New Jersey Attorney General's Office, and (iii) other required courses. The process for formalizing the master calendar, as well as other aspects of the training function at NPD, should be memorialized in a training standard operating procedure. This standard procedure is imperative in ensuring a comprehensive training program that reflects best practices, as well as ensuring smooth transition of leadership and staff.

General Order 18-28 identified the process for providing weekly calendars of training events scheduled and those run in the previous week. That weekly report was begun in late 2019, but has not yet been continued, as of this audit date. A training calendar for the year 2020 was also developed early in 2020, but that calendar needs to be updated to reflect the changes that have occurred due to the suspension of training due to the COVID-19 pandemic.

B. Recommendations from the Monitoring Team's Second Training Records Audit

- (1) The training records in *PowerDMS* need to be improved so that the fields showing courses for which officers are deficient include all Consent Decree courses that have not been taken.**

As noted above, current training records do not show *all* outstanding Consent Decree courses that individual officers have *not* yet received. *PowerDMS* should be modified and improved to ensure that this information is created automatically and that it is readily accessible by NPD staff and the Monitoring Team. The NPD Training Division should produce a quarterly report showing what courses officers have yet to receive.

- (2) The schedule and content for the required 40 hours of in-service Consent Decree training should be immediately developed and scheduled.**

So far, only segments of Community Policing and Bias Free Training have been scheduled. The total 40-hour curriculum should be established and shared with the Independent Monitoring Team prior to implementation.

- (3) The weekly report should be reinstated, showing all training activity, as well as courses outside the department that some officers have attended.**

This weekly report will provide Department management and the Consent Decree and Planning Division a picture of training activities that have been on-going in the agency. The weekly report also should be provided to the Independent Monitoring Team upon submission.

- (4) Required course passing rates should be established for all courses, and should incorporate the firearms training standard currently used.**

While some passing scores for post-training tests have been established, every course needs a specific passing score related to the critical nature of the subject. The tests used to measure student understanding of the material and the second test for those who have not achieved a passing score should be reviewed by the Independent Monitoring Team prior to implementation.

- (5) When new Officers arrive at the Division after County Recruit Training, or returning from a long-term absence preventing them from receiving the required Consent Decree training, they should immediately receive a briefing on the core requirements relating to Use of Force, Stop, Search and Arrest and Body-Worn and In-Car Camera requirements before being assigned to any type of field activity as police officers.**

While the department has implemented some aspects of this recommendation, from a review of the *PowerDMS* officer training records, NPD's implementation has not been

consistent. The courses or “briefings” provided to officers in these instances should be provided to the Independent Monitoring Team for review and approval.

Dated: June 25, 2021

Peter C. Harvey
Independent Monitor

EXHIBIT A

Patterson Belknap Webb & Tyler LLP

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January 16, 2019

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Re: Training Records Second Audit: 45-Day Notice

Dear City of Newark and Newark Department of Public Safety's Newark Police Division ("NPD"):

Pursuant to Paragraph 173 of the Consent Decree, I write to inform you that starting no sooner than 45 days from the date of this letter, the Monitoring Team will conduct its second audit of NPD's training records. This audit will cover the period from March 1, 2019 up to and including December 31, 2019. The purpose of this second audit is to determine whether NPD maintains training records as required by Paragraph 12 of the Consent Decree. To that effect, the Monitoring Team intends to verify, among other things, whether the records for all Consent-Decree related trainings administered by NPD between March 1 and December 31, 2019 have been properly recorded in PowerDMS.

The Monitoring Team's ability to complete this audit depends on its auditors having complete access to NPD's PowerDMS as it relates to training. As such, the Monitoring Team respectfully requests that NPD provide our auditors, Thomas O'Reilly and Robert Wasserman, with a demonstration of how PowerDMS is used to record all training-related

January 16, 2019

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information. To the extent that files have not been recorded electronically, the Monitoring Team requests access to physical copies of NPD's records.

Specifically, the auditors will review information associated with the following areas:

1. Recommendations from the first audit report;
2. Master files for courses;
3. Recruit training information;
4. Officer orientation information;
5. Officer training records; and
6. Instructor files.

To conduct this audit, the Monitoring Team requests the following materials from NPD:

1. Two weeks prior to the start of the audit, a list of all officer badge numbers; a random sample of 20 percent of these officers will be selected for inclusion in the review of the officer training records;
2. A complete list of all Consent Decree-related training that NPD conducted from March 1 to December 31, 2019, including the topic of the training, the Consent Decree paragraphs addressed, relevant NPD General Orders covered, the start and completion dates, and the number of officers trained;
3. A list of NPD officers who meet both of the following criteria: (a) did not receive training on body-worn cameras, stops, searches, and arrests, use of force, and/or community policing; and (b) returned from leave since March 1, 2019. Please also provide the records that reflect that prior to March 1, 2019, officers meeting both criteria received the above listed training provided to NPD officers;
4. A complete list of NPD officers who have graduated from the Essex County Police Academy since March 1, 2019;
5. A copy of the approved and current training General Order. The Monitoring Team will review this policy to determine whether the Monitoring Team's concerns outlined in its First Training Records Audit Report are properly addressed and, to provide any feedback, if necessary; and
6. The first draft of NPD's Annual Training Schedule, including the schedule for all Consent Decree, New Jersey Attorney General, and NPD-required courses. This

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schedule should cover the period of January 1 to March 31, 2020 and include the method NPD will utilize to provide weekly updates to the schedule.

Please provide this information to Chris Wilds of the Monitoring Team no later than February 17, 2019. Please do not hesitate to contact me to discuss these requests.

Best regards,

/s/ Peter C. Harvey

Peter C. Harvey

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EXHIBIT B

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June 25, 2021

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Brian O'Hara
Public Safety Director
Department of Public Safety
480 Clinton Avenue
Newark, NJ 07108

Re: Amended Second Training Records Audit

Dear Public Safety Director O'Hara:

I write to advise the Newark Police Division ("NPD") that the Independent Monitoring Team has adjusted NPD's compliance score for the Second Training Records Audit. This adjustment is warranted based on records that NPD provided to the Monitoring Team after the audit had been completed. After reviewing those records, the Monitoring Team now finds that NPD has complied with certain Consent Decree requirements during the applicable audit period (March 1, 2019 to December 31, 2019), as explained in further detail below.

By way of background, prior to the start of the audit and pursuant to the Monitoring Team's document requests, NPD provided the Monitoring Team with a list of all NPD officers on its roster during the audit period. Using this list, the Monitoring Team selected a random sample of NPD officers, and then reviewed NPD's training records of these officers to determine whether those officers in the sample had received Consent Decree-required training. [See Consent Decree ¶ 173 (requiring that NPD "train[] all relevant personnel as necessary to fulfill their responsibilities").]

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Under the Monitoring Team’s audit methodology rubric, NPD would achieve compliance with the Consent Decree’s training records requirements *if* 95% of all officers in the sample had received the required trainings during the audit period. The Monitoring Team completed its assessment in September 2020, finding that NPD had not met the 95% compliance score for its Stops, Searches and Arrests and Community Oriented policing trainings. After completing the audit, at NPD’s request, the Monitoring Team provided NPD with the names of the officers who had not received one or more of the required trainings. The Monitoring Team published the results of the Second Training Records Audit as an appendix to the Monitoring Team’s Fifteenth Quarterly Report.

On or about January 2021, NPD informed the Monitoring Team that it had inadvertently included officers on the rosters who were on military or long-term sick leave during the audit period, and therefore, ineligible for trainings. On January 8, 2021, NPD provided records to the Monitoring Team identifying these officers. Upon receipt of this new information, the Monitoring Team re-tabulated NPD’s training records audit scores by removing the officers from the rosters who were on military or long-term sick leave during the audit period. The Monitoring Team created a new sample and assessed whether NPD had records sufficient to show that the officers in that sample had received the Consent Decree-required trainings. The following chart shows NPD’s updated training records audit scores:

Training Subject	Number of Officers Who Should Have Been Trained	Number Of Officers Missing Training	Compliance Score
Use of Force	189	0	100%
Stop, Search and Arrest	190	0	100%
Body-Worn Camera	190	1	99.47%
Community-Oriented Policing	187	5	97.33%

Based on the adjusted compliance scores, the Monitoring Team has amended its findings and determined that NPD has “trained all relevant personnel as necessary to fulfill their responsibilities” in the following subject matter areas for the audit period (March 1, 2019 to December 31, 2019): (1) Community-Oriented Policing; (2) Body-Worn Cameras; (3) Stop, Search and Arrest; and (4) Use of Force. The Monitoring Team’s amended audit report for its second training records audit will be attached as an appendix to the Monitoring Team’s Sixteenth Quarterly Report. We expect that NPD will post the published, amended report to its website.

The Monitoring Team’s next (third) training records audit will assess whether NPD has trained all relevant personnel with respect to Bias-Free Policing, which was administered after completion of the second training records audit. In addition, the third audit will assess whether NPD has complied with Consent Decree Paragraph 12, which requires NPD to “maintain complete and consistent training records for all officers.” The Monitoring Team’s Second Training Records audit did not assess NPD’s compliance with Consent Decree Paragraph 12 because restrictions on in-person Monitorship activities prevented the Monitoring Team from conducting an on-site

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inspection of NPD's records to determine whether its training materials, including curricula, lesson plans and related course documents were being properly maintained at the Police Academy. The third audit also will assess NPD's compliance with Consent Decree Paragraph 9, which requires NPD to provide officers with at least 40 hours of in-service training annually.

Going forward, the Monitoring Team requests that at the start of each audit, NPD provide roster lists that include the dates that officers are absent from duty due to military and long-term sick leave.

Please do not hesitate to contact to me if you would like to discuss these matters further.

Sincerely,

/s/ Peter C. Harvey

Peter C. Harvey

Enclosures

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