



# **NEWARK POLICE DIVISION CONSENT DECREE & PLANNING DIVISION**

## **FACILITATED DISCUSSION FEEDBACK SUMMARY**

### **First Amendment Right to Observe, Object to and Record Police Activity Policy**

Date: November 2, 2018

#### **INTRODUCTION**

This report provides a summary of community feedback concerning the Newark Police Division's (NPD) draft *First Amendment Right to Observe, Object to and Record Police Activity* policy received at the **September 27, 2018** policy review forum at the ALL STARS PROJECT of New Jersey 33 Washington Street, Newark, NJ. The community feedback received from this forum is attached to this memorandum with identifying information redacted. In addition to the September 27 community meeting, NPD also posted the policy online and requested written feedback on the draft policy via its website.

The community feedback below is grouped by policy section. With NPDs, responses to the public on why certain community feedback will be/will not be incorporated into the finalized policy.

#### **DEFINITIONS (Policy Section II)**

##### **Draft Policy:**

- In this section, the draft policy states: "The NPD recognizes that members of the public have a constitutionally protected right to witness, observe, video record, photograph, audio record and comment on or complain about NPD Officers while they are conducting official business or while acting in an official capacity in any public setting. Division personnel are prohibited from interfering with this First Amendment and Article I, Paragraph 6 RIGHT except in limited circumstances. Additionally, Division Members violate Fourth and Fifteenth Amendment rights when they seize/destroy recordings without a warrant or due process."

##### **Feedback and Recommendations:**

- This policy is too vague, and lacks clarity as to what is considered limited circumstances.
- What if the policy is not followed by the police officers or the police officer exhibits anger and or violence toward bystander recording?
- The "limited circumstances" are not defined, thus an officer may claim it is exigent circumstances to obtain the device.
- It does not address the issue of an incident escalating to arrest or physical harm.



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- Bystanders who record the incident do not want to be involved in the police encounter. Therefore, they should not be harassed or treated unfairly.
- Officers do not want to be recorded and will lie about the need to seize a phone.
- There should be an estimate of how far the individual who is recording must be from the officer.
- Facilitators also proposed the following question to community members—"What is your biggest concern if you were to film a police officer while in the performance of his or her duties?" The following are the responses:
  - There is a concern that by recording police, people are subjecting themselves to having their phones taken away or running the risk of getting into trouble if he or she is unwilling to turn over their phone.
  - Members are concerned that officers will be dishonest and fabricate excuses as to why the phone must be seized.
  - The public raises a concern for one's safety if their recording contributes to a case against the officer.
  - Community members raise concern regarding the incident escalating to physical harm or an arrest.
  - There is a concern that officers will act differently as they become aware of the recording.
  - The public mention a necessity for an independent source to provide oversight that is unbiased and neutral.

#### NPD Response:

Section II of the policy states officers are prohibited from interfering with the First Amendment right to record police of bystanders except in **limited circumstances**. Section VI explains what those **limited circumstances** are. For example, the fact that a bystander has a camera or other recording device **does not** entitle the bystander to cross a police line, to enter an area that is closed to the public, or to enter any area designated as a crime scene. Additionally, according to the Section VI (paragraphs C, D, E and F) of the policy and Paragraph 57 of the Consent Decree, NPD officers shall take law enforcement action against those bystanders that violate the law, incite others to violate the law or refuse to comply with an officer's order to observe or record from an alternate location **and** the bystander's presence would jeopardize crime scene integrity or the safety of the officer, the suspect, or others.

Section III of the policy states that "All Division personnel are responsible for complying with this Order. Supervisory and Command Officers shall ensure that subordinates are aware of, understand, and comply with this Order. All sworn officers will be subject to discipline for a violation of the contents of this Order." General Orders are to be followed by all Division Personnel. There is no ambiguity; no options; officers and supervisors are



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subject to discipline for disobedience of orders and acts of insubordination. Discipline for acts of insubordination and disobedience to orders are described in the [Disciplinary Matrix Policy](#).

Section VI G explains what an officer is allowed to do when the officer has probable cause to believe that a camera or other recording device contains images or sounds that are evidence of criminal acts. Standardizing a distance bystanders could record police activity from would be at odds with the spirit of this policy. NPD could easily state that 1000 feet from police activity is a safe distance to record in every circumstance but that may be an unnecessarily long distance in some circumstances. It would be impossible to determine what a safe distance would be for officers, victims of crime or crime scenes in every situation all while protecting a bystanders the right to record police activity. Safe distances would have to be determined on scene by the officer on a case-by-case basis. Section VI (Paragraph E) of the policy states: *If a bystander is photographing or recording police activity from a position that impedes or interferes with the safety of officers or their ability to perform their duties, or that threatens the safety of members of the public, an officer may direct the bystander to move to a position that will not interfere. However, an officer shall not order the bystander to stop photographing or recording.*

### PROCEDURES (Policy Section VI)

#### Draft Policy:

- “Photography and videography includes visual recording of places, buildings, structures and events that are common and normally used for lawful activities. Photography and videography by itself does not constitute suspicious conduct. A. In public settings, officers shall allow bystanders the same access for photography and videography as is given to members of the press. Officers shall be aware that: (1) A bystander has the same right to take photographs or make recordings as a member of the press, as long as the bystander has a legal right to be present where he or she is, such as on a public street or in public settings. (2) A bystander has the right under the First Amendment and Article I, Paragraph 6 to witness, observe, record, photograph, audio record and comment on or complain about Newark Police Officers in the public discharge of their duties. (3) Public settings include parks, sidewalks, streets, and locations of public protests, common areas of public and private facilities and buildings, and any other public or private facility at which the bystander has a legal right to be present. This protection extends to a bystander's home or business.”



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### Feedback and Recommendations:

- The policy should include how far a bystander must be to record, or what makes it illegal to be present to be at a public place.
- NPD should make bystanders feel free to record police conduct.
- Would a bystander be legally be allowed to record in an area, which may be closing at a specific time, if the incident happens after closing time?
- The concern of being penalized for providing evidence might deter people from recording.

### NPD Response:

As stated above, NPD could easily state that 1000 feet from police activity is a safe distance to record in every circumstance but that would go against the spirit of the policy, which was written to protect the First Amendment Rights of bystanders. It would be impossible to determine what a safe distance would be for officers, victims of crime or crime scenes in every situation all while protecting a bystanders the right to record police activity. Safe distances would have to be determined on a case-by-case basis. Section VI (Paragraph E) of the policy states: *If a bystander is photographing or recording police activity from a position that impedes or interferes with the safety of officers or their ability to perform their duties, or that threatens the safety of members of the public, an officer **may direct** the bystander to move to a position that will not interfere. However, an officer **shall not** order the bystander to stop photographing or recording.*

According to the Section VI (paragraphs C, D, E and F) of the policy and Paragraph 57 of the Consent Decree, a bystander recording police activity would be the subject of an arrest if he or she violates the law, incites others to violate the law or refuse to comply with an officer's order to observe or record from an alternate location and the bystander's presence would jeopardize crime scene integrity or the safety of the officer, the suspect, or others.

Section VI-A states "in public settings, officers shall allow bystanders the same access for photography and videography as is given to members of the press. Officers shall be aware that; a bystander has the same right to take photographs or make recordings as a member of the press, as long as the bystander has a legal right to be present where he or she is, such as on a public street or in public settings. A bystander has the right under the First Amendment and Article I, Paragraph 6 to witness, observe, record, photograph, audio record and comment on or complain about Newark Police Officers in the public discharge of their duties. Public settings which include parks, sidewalks, streets, and locations of





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public protests, common areas of public and private facilities and buildings, and any other public or private facility at which the bystander has a legal right to be present. This protection extends to a bystander's home or business. The fact that a bystander has a camera or other recording device does not entitle the bystander to cross a police line, to enter an area that is closed to the public, or to enter any area designated as a crime scene.”

The intent of this policy along with training on this policy is to change the culture of the NPD, to make bystanders feel free to record police conduct. According to the policy, a public setting includes public or private facilities at which the bystander has a legal right to be present. Once a private facility closes, the bystander recording police activity **may** be in violation of New Jersey Trespassing Laws (2C:18-3b) *“A person commits a petty disorderly persons offense if, knowing that he is not licensed or privileged to do so, he enters or remains in any place as to which notice against trespass is given by: Actual communication to the actor; or Posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or Fencing or other enclosure manifestly designed to exclude intruders.”*

### PROCEDURES (Policy Section VI)

#### Draft Policy:

- “As long as the photographing or recording takes place in a setting in which the bystander has a legal right to be present and does not interfere with an officer's safety or lawful duties, the officer shall not tell or instruct a bystander that photographing or recording of police officers, police activity, or persons who are the subject of a police action recording is not allowed; recording requires a permit; or recording requires the officer's consent. Additionally, under such circumstances, an officer is not permitted to subject a bystander to a Terry stop or arrest. Furthermore, officers shall not: (1) Order that bystander to cease such activity; (2) Demand that bystander's identification; (3) Demand that the bystander state a reason why he or she is taking photographs or recording; (4) Detain, arrest, or threaten to arrest bystanders based on activity protected by the First Amendment, including verbal criticism, questioning police actions, or gestures; (5) Intentionally block or obstruct cameras or recording devices; or (6) In any way threaten, intimidate, or otherwise discourage a bystander from remaining in the proximity of, recording or verbally commenting on officer conduct directed at the officer's enforcement activities.



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### Feedback and Recommendations:

- The policy should clarify the consequences and accountability.
- There should be information in the policy about how NPD will discipline officers who violate the policy.
- One of the main issues that leads to community member distrust of NPD is that officers will not follow the policy.
- There should be more detail as to what amounts as “a position that impedes or interferes with the safety of officers or their ability to perform their duties, or that threatens the safety of members of the public.”

### NPD Response:

Section III of the policy states that “All Division personnel are responsible for complying with this Order. Supervisory and Command Officers shall ensure that subordinates are aware of, understand, and comply with this Order. All sworn officers will be subject to discipline for a violation of the contents of this Order.” General Orders are to be followed by all Division Personnel. There is no ambiguity; no options; officers and supervisors are subject to discipline for disobedience of orders and acts of insubordination. Discipline for acts of insubordination and disobedience to orders are described in the [Disciplinary Matrix Policy](#).

### PROCEDURES (Policy Section VI)

#### Draft Policy:

- “Evidence on a Camera or Recording Device (1) If an officer has probable cause to believe that a camera or other recording device contains images or sounds that are evidence of criminal acts, the officer shall request that the recording party either: a. Voluntarily provide the device or recording medium (e.g., the memory chip) to the officer; or b. Where possible and practical, and in the presence of the officer, voluntarily transmit the images or sound via electronic mail to the officer's official city electronic mail account. (2) Consent to take possession of a recording device or medium must be given voluntarily. A Supervisor must be present and a Consent to Search form must be completed. For additional information on Consent to Search forms, refer to General Order 18-15 Searches with or without a Search Warrant Section VI.



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#### Feedback and Recommendations:

- This section of the policy raises concern that officers will tamper, alter, or delete the evidence.
- The term “request” does not necessary mean giving up the recording voluntarily.
- Concerns raised over clarity of temporary detention of a person when exigent circumstances do not exist, seizing the device rather than the person and a definition of serious criminal activity vs criminal acts.

#### NPD Response:

Section VI-I of the policy states: *“Officers shall not under any circumstances intentionally damage or destroy, or instruct any other person to damage or destroy any recording device being used to record police activity. Officers shall not, under any circumstances, intentionally erase or delete, or instruct any other person to erase or delete, any recorded images or sounds from any camera or other recording.”* As stated above a violation of the tenets of this policy shall carry disciplinary consequences. Additionally, tampering with evidence can rise to the level of a crime.

N.J.S.A. 2C:28-6. **Tampering with or fabricating physical evidence** states: *A person commits a crime of the fourth degree if, believing that an official proceeding or investigation is pending or about to be instituted, he: (1) Alters, destroys, conceals or removes any article, object, record, document or other thing of physical substance with purpose to impair its verity or availability in such proceeding or investigation; and*

N.J.S.A. 2C:30-2. **Official Misconduct** states: *A public servant is guilty of official misconduct when, with purpose to obtain a benefit for himself or another or to injure or to deprive another of a benefit: (1) He commits an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized or he is committing such act in an unauthorized manner; or (2) he knowingly refrains from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office. Official misconduct is a crime of the second degree.*

Added language to Policy that orders officers to immediately notify a Field Supervisor if the officer has probable cause to believe that a camera or other recording device contains images or sounds that are evidence of criminal acts and described crimes further as crimes of the First, Second, Third and Fourth degree. In cases where **no exigency exists**, an oppositional inference is created; meaning and according to the policy, detaining the



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individual would not be proper. The word “and” has been highlighted in the policy to emphasize the interdependency.

### **RESPONSIBILITIES OF THE SUPERVISOR (Policy Section VII)**

#### **Draft Policy:**

- “A Supervisor shall respond to the scene where any bystander recording of police officers engaged in the public discharge of their duties:
  - has become confrontational, provoking, or otherwise adversarial with the officers,
  - may possess evidentiary material,
  - has her/his recording or recording device seized by officers based upon probable cause,
  - has jeopardized the safety of the officer, the suspect or others in the immediate vicinity, violated the law, incited others to violate the law, or actually obstructed an officers official duties.

#### **Feedback and Recommendations:**

- The policy should elaborate on what is considered “probable cause”.
- This section of the policy raises concern that officers will not relay accurate information or falsely claim that there is probable cause.
- How can a bystander request a supervisor on scene immediately?
- The policy states but will the complaint be addressed in a timely manner?

#### **NPD Response:**

A definition for probable cause has been added to the policy. The policy states the Supervisor shall “gather all available facts” and “attempt to de-escalate or otherwise intercede to prevent the incident from escalating,” which allows the supervisor to make an independent determination if probable cause exists to seize the device. Additionally, the General Order 18-05 Body Worn Camera directs supervisors to review the circumstances of the encounter for every search or arrest involving the recovery of contraband evidence including Body Worn Camera video to assess the adequacy of the seizure. A bystander can ask the officer to notify his supervisor or can call NPD directly at 973-733-6000. For further information on how to make complaints against NPD personnel, please [click here](#).



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### *General Comments*

Facilitators also proposed the following question to community members—“After going through the policy, do you have any remaining questions or comments?” The following are the responses:

- There must be a great amount of training, specifically for foot patrol officers who are not on board with the policy changes.
- The uniformed officers have body cameras, whereas the “jump out boys” do not.

Training on stops, searches and arrests, including elements of this policy is the subject of a sixteen-hour training course developed by NPD personnel with input from the U.S. Department of Justice, U.S. Attorney’s Office, members of the Independent Monitoring Team and Community Members, that every NPD officer will be required to be trained on. According to General Order 18-05 Body Worn Camera (BWC) policy, officers working in administrative, investigative or plain-clothes capacity shall not wear a BWC whereas officers assigned to uniform patrol duty must use a BWC. Additionally the Public Safety Director may direct members in plain clothes or assigned to a specialized unit to use a BWC.





## SCRIBE

### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### General Opening Question [Suggested Time: 5 Minutes]

1. What is your biggest concern if you were to film a police officer while in the performance of his or her duties?

physical harm } things escalate  
arrested }

safety & security

expose me to harm

seize my phone / break my phone

detain me

look at everything on phone

want to be cooperative, but do not want to  
surrender phone

want a signed affidavit if what searching for





## SCRIBE

### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### Policy (Section 2) [Suggested Time: 5 Minutes]

#### 2. The Policy Section, page, 2 states:

*"The NPD recognizes that members of the public have a constitutionally protected right to witness, observe, video record, photograph, audio record and comment on or complain about NPD Officers while they are conducting official business or while acting in an official capacity in any public setting. Division personnel are prohibited from interfering with this First Amendment and Article I, Paragraph 6 RIGHT except in limited circumstances. Additionally, Division Members violate Fourth and Fifteenth Amendment rights when they seize/destroy recordings without a warrant or due process."*

- Does this section address some of your concerns from Question 1? If not, why not?

★ good on paper, but does not address  
my concerns about arrest & physical harm

★ implicitly I feel safer — feel a little  
safer

★ detaining me on the phone — that's a  
problem — This section does not address,  
maybe later on in the Order

No } 2 women — simple & brief  
No }





## SCRIBE

### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### Procedures (Section 6) [Suggested Time: 5 Minutes]

3. Section 6 A., starting on page 3, discusses what officers should be aware of, including descriptions of locations where bystanders have a legal right to be present. Let's take a moment to read through this section.

- Does this section address all locations a bystander could legally be present? If not, what else would you recommend?

Cannot ever get "all," pretty  
extensive list - gives a good idea  
of where can be.

VI A-3. Could be clarified to include  
commercial establishments, like stores,  
theater, common areas of apartment buildings.

What is the rule for schools? Elementary?  
Middle School? High School? College?  
Difference between public and private schools?

What makes something a "designated crime  
scene"? Can officer declare it such, &  
therefore forbid filming?





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### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### Procedures (Section 6) [Suggested Time: 10 Minutes]

4. Section 6 B-F., starting on page 4, discusses what an officer can and cannot do when a bystander is observing, objecting to and recording police activity. Let us take a moment to read through this section.

- Based on what is written, do you have a good sense of what the process is? Do you think anything should be added to make it clearer or more effective?

What kind of warnings will be given  
when a police officer feels threatened?

~~the~~ Notice of what person is doing  
that is wrong.

If a person is somewhere he does not have a  
legal right to be, the officer should tell  
him to leave, but not tell him not  
to film. The two ideas are separate.

= Ask, Tell, Make - = Might mention this policy  
or procedure.





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### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### Procedures (Section 6) [Suggested Time: 10 Minutes]

5. Section 6 G. starting on page 5, discusses what an officer can and cannot do when an officer has probable cause to believe evidence is on a Camera or Recording Device. Let us take a moment to read through this section.
- Based on what is written, do you have a good sense of what the process is? Do you think anything should be added to make it clearer or more effective?

G4 is inadequate to protect against temporary detention & seizure of phone. Somebody else think reasonable.

No, I do not understand the process. When does Supervisor get involved? After the fact? When does On-call Detective get involved - after the fact?

What do Supervisor & On-call Detective do?

One person detention is fine.  
Another person it is reasonable.





## SCRIBE

### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### Responsibilities of the Supervisor (Section 7) [Suggested Time: 5 Minutes]

6. Section 7A., starting on page 7, discusses when a police supervisor should respond to a scene. Let us take a moment to read through this section.

- Based on what is written, do you have any concerns about the process? Do you think any other situations should be added to make it clearer or more effective?

What standards does Supervisor apply  
to make decisions.





## SCRIBE

### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### Other Questions [Suggested Time: 5 Minutes]

7. After going through the policy, do you have any remaining questions or comments?

In order for this to work will  
take a lot of public education  
& reach out to grassroots  
organization.





## SCRIBE

### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### General Opening Question [Suggested Time: 5 Minutes]

1. What is your biggest concern if you were to film a police officer while in the performance of his or her duties?

Females feel as an officer would over use their power.

As they film they feel as the officer would ask to put their phone away and not act as they would if there was no camera around.

Although officers have body camera they feel as they can act like the camera was not working.

As for the "Dropbox" the fact that it's in locations they believe it's a safety issue due to the fact that anyone can see that you've made a comment / contributed to the case.

Safety is the main concern. (The person recording' safety)





## SCRIBE

### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### Policy (Section 2) [Suggested Time: 5 Minutes]

#### 2. The Policy Section, page, 2 states:

*"The NPD recognizes that members of the public have a constitutionally protected right to witness, observe, video record, photograph, audio record and comment on or complain about NPD Officers while they are conducting official business or while acting in an official capacity in any public setting. Division personnel are prohibited from interfering with this First Amendment and Article I, Paragraph 6 RIGHT except in limited circumstances. Additionally, Division Members violate Fourth and Fifteenth Amendment rights when they seize/destroy recordings without a warrant or due process."*

- Does this section address some of your concerns from Question 1? If not, why not?

\* No, because they don't want to be honest about the situations. Officers do not want to be recorded.

\* Scared officer will detain them out of spite and say "I think you have something on that phone" even though you won't have anything just because they don't want to be recorded.

Don't feel as officers are honest and they are the ones people rely on the most. They aren't seen as liars. Therefore, situations without being captured can hurt someone in a case.

"The fact that a bystander has to record to help someone ~~from being arrested~~ from being wrongly arrested is "outrageous".

Bystanders record to help the scene not ~~to be~~ <sup>to be</sup> harassed and treated as they do not their rights.





## SCRIBE

### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### Procedures (Section 6) [Suggested Time: 5 Minutes]

3. Section 6 A., starting on page 3, discusses what officers should be aware of, including descriptions of locations where bystanders have a legal right to be present. Let's take a moment to read through this section.

- Does this section address all locations a bystander could legally be present? If not, what else would you recommend?

• Would a bystander be legally allowed to be recording and allowed to be around the area in which may have a time of closing.

• How will actual evidence will be taken.

• Will person get penalized for providing proof that may get them in trouble.





## SCRIBE

### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### Procedures (Section 6) [Suggested Time: 10 Minutes]

4. Section 6 B-F., starting on page 4, discusses what an officer can and cannot do when a bystander is observing, objecting to and recording police activity. Let us take a moment to read through this section.

- Based on what is written, do you have a good sense of what the process is? Do you think anything should be added to make it clearer or more effective?

• They understand procedures, but it's up to the officers to obey by the rules.

• How would the officer be disciplined if they do not obey these policies

• It's more of an officers way of obeying and understanding the peoples right. rather than them abusing the peoples right





## SCRIBE

### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### Procedures (Section 6) [Suggested Time: 10 Minutes]

5. Section 6 G., starting on page 5, discusses what an officer can and cannot do when an officer has probable cause to believe evidence is on a Camera or Recording Device. Let us take a moment to read through this section.
- Based on what is written, do you have a good sense of what the process is? Do you think anything should be added to make it clearer or more effective?
  - More concern of the party being detained.
  - Officer getting phone and tampering with evidence.
  - Do not trust who gets the evidence.





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### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### Responsibilities of the Supervisor (Section 7) [Suggested Time: 5 Minutes]

6. Section 7A., starting on page 7, discusses when a police supervisor should respond to a scene. Let us take a moment to read through this section.

- Based on what is written, do you have any concerns about the process? Do you think any other situations should be added to make it clearer or more effective?

• How would bystander ask to see / call supervisor just as how the officer could ask supervisor to go to the ~~scene~~ scene.

• Aware that they can make a complaint but it won't be answered in a timely manner.

• How to get a "hire up" on scene ASAP without getting the run around.





## SCRIBE

### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### Other Questions [Suggested Time: 5 Minutes]

7. After going through the policy, do you have any remaining questions or comments?

N/A





## SCRIBE

### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### General Opening Question [Suggested Time: 5 Minutes]

1. What is your biggest concern if you were to film a police officer while in the performance of his or her duties?

- safety

- response

- > Compliance → officers will not follow through

- Implementation

- > How are officers trained?

- Will supervisors be held accountable? And by who?

- How do we stop officers from turning off body camera? Who decides who can turn off their body camera?

- There needs to be an accessible, anonymous way for the public to submit videos of police conduct

- There need to be independent oversight; there is a concern that there is no neutral oversight providing unbiased review.





## SCRIBE

### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### Policy (Section 2) [Suggested Time: 5 Minutes]

#### 2. The Policy Section, page, 2 states:

*"The NPD recognizes that members of the public have a constitutionally protected right to witness, observe, video record, photograph, audio record and comment on or complain about NPD Officers while they are conducting official business or while acting in an official capacity in any public setting. Division personnel are prohibited from interfering with this First Amendment and Article I, Paragraph 6 RIGHT except in limited circumstances. Additionally, Division Members violate Fourth and Fifteenth Amendment rights when they seize/destroy recordings without a warrant or due process."*

- Does this section address some of your concerns from Question 1? If not, why not?

\* yes, but still a gray area  
> limited circumstances  
are not well-defined.  
→ ~~limited~~

• No, it does not address  
fears about personal safety.

\* Big concern about lack of  
clarity on limited circumstances

\* Afraid of ~~the~~ police being  
angry and violent

\* There is a huge concern  
that the policy will not be  
followed by police.





## SCRIBE

### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### Procedures (Section 6) [Suggested Time: 5 Minutes]

3. Section 6 A., starting on page 3, discusses what officers should be aware of, including descriptions of locations where bystanders have a legal right to be present. Let's take a moment to read through this section.
- Does this section address all locations a bystander could legally be present? If not, what else would you recommend?

\* It is not clear what would make it illegal to be present at a ~~public~~ public place.

\* There was a comment that it is extremely important that bystanders feel free to record ~~the~~ police conduct b/c the person involved w/ the officer cannot





## SCRIBE

### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### Procedures (Section 6) [Suggested Time: 10 Minutes]

4. Section 6 B-F., starting on page 4, discusses what an officer can and cannot do when a bystander is observing, objecting to and recording police activity. Let us take a moment to read through this section.

- Based on what is written, do you have a good sense of what the process is? Do you think anything should be added to make it clearer or more effective?

Not this portion of the policy is clear

\* There is still persistent concern that the policy will not be implemented

\* There is also concern that the public will not be educated about the policy.

\* Officers have expressed to the public that they disagree with the consent degree → this is ~~going to~~ causing a lot of distrust that these policies are being implemented.

\* Big concern about enforcement





## SCRIBE

### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### Procedures (Section 6) [Suggested Time: 10 Minutes]

5. Section 6 G., starting on page 5, discusses what an officer can and cannot do when an officer has probable cause to believe evidence is on a Camera or Recording Device. Let us take a moment to read through this section.
- Based on what is written, do you have a good sense of what the process is? Do you think anything should be added to make it clearer or more effective?

• How do we know the officer will only retrieve the relevant evidence

• How do we know the device is not tapped or otherwise compromised

• How do I keep an original copy of what I recorded? How do I know that the recording wasn't deleted or ~~off~~ altered





## SCRIBE

### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### Responsibilities of the Supervisor (Section 7) [Suggested Time: 5 Minutes]

6. Section 7A., starting on page 7, discusses when a police supervisor should respond to a scene. Let us take a moment to read through this section.

- Based on what is written, do you have any concerns about the process? Do you think any other situations should be added to make it clearer or more effective?

- concerned that officers will not relay accurate info
- Want the supervisor to review body cam on scene.
- If body cam was off, that needs to be investigated/disciplined.





## SCRIBE

### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### Other Questions [Suggested Time: 5 Minutes]

7. After going through the policy, do you have any remaining questions or comments?

training, training, training

> Foot patrol officers (new officers in particular) are not on board with the consent decree.





## SCRIBE

### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### General Opening Question [Suggested Time: 5 Minutes]

1. What is your biggest concern if you were to film a police officer while in the performance of his or her duties?

- Prior to consent, there was concern that people wouldn't be allowed to exercise their rights. Now, with policy, there is concern that by recording people are subjecting themselves to having their phones taken or risk being in trouble if he or she is unwilling to turn over the phone.
- Distrust of Police Officers: concerns that officers will not be honest and will make up excuses as to why the phone must be seized; as well as concern about different treatment of recorders based on race.
- Fear that the phone or recording will be taken by the wrong person, specifically a corrupt officer.
- Concern for one's safety if recordings are placed in "drop boxes" and officers see the person and are aware that the person has contributed to a case against him/her.
- Concern for one's safety in general while recording police actions: is the recorder than going to be harmed?





## SCRIBE

### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### Policy (Section 2) [Suggested Time: 5 Minutes]

#### 2. The Policy Section, page, 2 states:

*"The NPD recognizes that members of the public have a constitutionally protected right to witness, observe, video record, photograph, audio record and comment on or complain about NPD Officers while they are conducting official business or while acting in an official capacity in any public setting. Division personnel are prohibited from interfering with this First Amendment and Article I, Paragraph 6 RIGHT except in limited circumstances. Additionally, Division Members violate Fourth and Fifteenth Amendment rights when they seize/destroy recordings without a warrant or due process."*

- Does this section address some of your concerns from Question 1? If not, why not?

- No, because ~~special~~ ~~an~~ exigent circumstances is not defined. An officer may make up a reason or claim an exigent circumstances simply to obtain the device; thus, bringing the recorder into a situation they may not want to be involved in
  - ↳ Overall feeling of distrust of officers; that officers are not honest
  - ↳ not necessarily that all officers are dishonest but there is incentive to lie to protect themselves
- If it were not for police dishonesty, there wouldn't be the need/desire to record officers
  - ↳ AND, even with the recordings officers are still not held accountable for their dishonesty, when the recordings show they have lied.
- Feeling of Power Play or Abuse of Power by officers.





## SCRIBE

### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### Procedures (Section 6) [Suggested Time: 5 Minutes]

3. Section 6 A., starting on page 3, discusses what officers should be aware of, including descriptions of locations where bystanders have a legal right to be present. Let's take a moment to read through this section.

- Does this section address all locations a bystander could legally be present? If not, what else would you recommend?

- Question: if a park closes early or at a specific time & an incident happens after that time ~~is~~ is a person legally allowed to be present & record or will they be penalized and their evidence dismissed?  
↳ the primary concern is that the evidence won't be properly considered or the evidence will be obtained or provided at all for fear of being penalized → a moral matter vs. a legal matter: someone may know something is wrong but will then be afraid to record





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### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### Procedures (Section 6) [Suggested Time: 10 Minutes]

4. Section 6 B-F., starting on page 4, discusses what an officer can and cannot do when a bystander is observing, objecting to and recording police activity. Let us take a moment to read through this section.

- Based on what is written, do you have a good sense of what the process is? Do you think anything should be added to make it clearer or more effective?

• The Consequences & Accountability aspect is not clear.

• The policy as to what officers are allowed to do and what they are not allowed to do is clear BUT how matters will be handled when officers violate the Policy is NOT clear.





## SCRIBE

### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### Procedures (Section 6) [Suggested Time: 10 Minutes]

5. Section 6 G., starting on page 5, discusses what an officer can and cannot do when an officer has probable cause to believe evidence is on a Camera or Recording Device. Let us take a moment to read through this section.
- Based on what is written, do you have a good sense of what the process is? Do you think anything should be added to make it clearer or more effective?

• Concerns that officers will tamper w/ evidence  
↳ How can that be prevented





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### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### Responsibilities of the Supervisor (Section 7) [Suggested Time: 5 Minutes]

6. Section 7A., starting on page 7, discusses when a police supervisor should respond to a scene. Let us take a moment to read through this section.

- Based on what is written, do you have any concerns about the process? Do you think any other situations should be added to make it clearer or more effective?

- if a bystander has a problem w/ officer,  
how can bystander request for supervisor  
↳ even though a complaint can be  
made complaints are not immediate, convenient,  
or efficient  
↳ Bystander should be able to contact  
supervisor to request supervisors  
presence on scene immediately



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## FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

### Other Questions [Suggested Time: 5 Minutes]

7. After going through the policy, do you have any remaining questions or comments?





## SCRIBE

### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### General Opening Question [Suggested Time: 5 Minutes]

1. What is your biggest concern if you were to film a police officer while in the performance of his or her duties?

safety issue ; especially if your phone is black  
phone mistaken as gun.

videos going on social media hoping it goes viral  
so where do you go?

plug for Newark PD like for ACLU.

more basic understanding for public





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### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### Policy (Section 2) [Suggested Time: 5 Minutes]

#### 2. The Policy Section, page, 2 states:

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- Does this section address some of your concerns from Question 1? If not, why not?

- should give a more estimate of how far  
to be from officer  
- too vague.





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### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### Procedures (Section 6) [Suggested Time: 5 Minutes]

3. Section 6 A., starting on page 3, discusses what officers should be aware of, including descriptions of locations where bystanders have a legal right to be present. Let's take a moment to read through this section.

- Does this section address all locations a bystander could legally be present? If not, what else would you recommend?

- yes, but doesn't specify how far from officer





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#### Procedures (Section 6) [Suggested Time: 10 Minutes]

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- Based on what is written, do you have a good sense of what the process is? Do you think anything should be added to make it clearer or more effective?

- Part E; can be more detailed.

- Part F; fear of harm → based on belief rather than actual harm





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#### Procedures (Section 6) [Suggested Time: 10 Minutes]

5. Section 6 G., starting on page 5, discusses what an officer can and cannot do when an officer has probable cause to believe evidence is on a Camera or Recording Device. Let us take a moment to read through this section.
- Based on what is written, do you have a good sense of what the process is? Do you think anything should be added to make it clearer or more effective?

- Either request or voluntarily





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#### Responsibilities of the Supervisor (Section 7) [Suggested Time: 5 Minutes]

6. Section 7A., starting on page 7, discusses when a police supervisor should respond to a scene. Let us take a moment to read through this section.

- Based on what is written, do you have any concerns about the process? Do you think any other situations should be added to make it clearer or more effective?

- still relying on the police "them"  
- distrust of police regardless of title; supervisor or not.  
- what is "probable cause"? What does it mean when talking about police officers?





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### FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO AND RECORD POLICE ACTIVITY FORUM FACILITATOR QUESTIONS

#### Other Questions [Suggested Time: 5 Minutes]

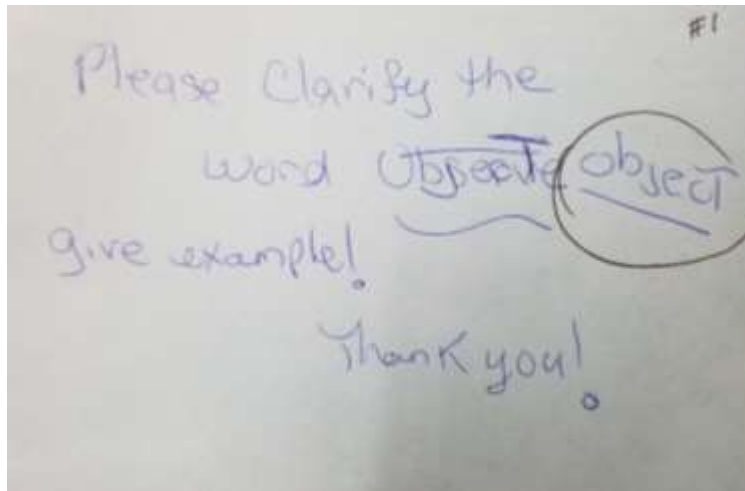
7. After going through the policy, do you have any remaining questions or comments?

- The uniformed officers have Body Cameras but the "jump out boys" don't have cameras. (more of the concern)
- worry about evidence against police being deleted
- false claim that they <sup>(the police)</sup> need phone for evidence but in reality its to identify if police misconduct was recorded.
- warrantless seizure is just a loop hole.
- evidence may or may not be there.
- police might assume there's probable cause but in reality might not be probable cause.





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ALL STARS PROJECT of New Jersey 33 Washington Street, Newark, NJ**



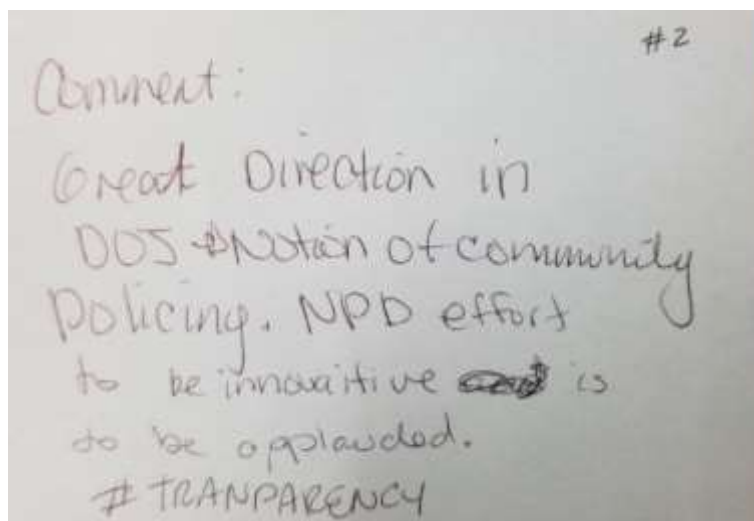
Question 1. Please clarify the word Object. Give Example.

Answer 1. The words "Object To" in this policy refer to their definition as a verb meaning to oppose something firmly, usually with words or arguments. For example, a bystander observes officers place a young man under arrest. The arrest becomes violent as the subject kicks an officer in the face. The officer counters with two kicks to the subject's legs and three punches to the subject's face. The bystander then verbally **objects to** the officer's actions by yelling complaints about the officer's use of force.





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Question 2. Comment: Great direction in DOJ and notion of community policing. NPD effort to be innovative is to be applauded. #TRANSPARENCY

Answer 2. Thank you. The NPD is committed to transparency in its procedures and performance and seeks opportunities to engage with the community all while holding officers, supervisors, and administrators accountable for their conduct and performance. NPD is certainly moving in the right direction but much work is yet to be completed.





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In some, if not most, times that community members record police it is because of a situation where people believe there is an unjust arrest. In instances where the suspect ~~MAY~~ be "resisting arrest," can officers confiscate cell phones of bystanders who have filmed the interaction since resisting arrest is a crime? #3

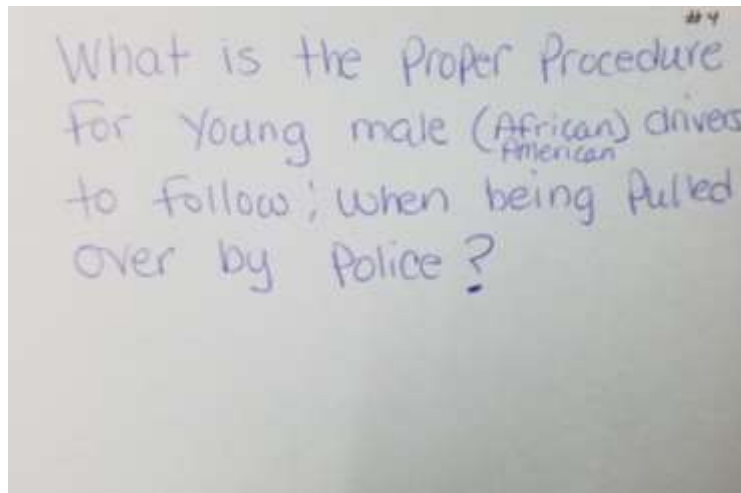
Question 3. In some, if not most, times that community members record police it is because of a situation where people believe there is an unjust arrest. In instances where the suspect may be "resisting arrest", can officers confiscate cell phones of bystanders who have filmed the interaction since resisting arrest is a crime?

Answer 3. Yes and No, depending on the level of resisting, the seriousness of the underlying offense, the availability of other recordings in the area, and the willingness of the person to provide the video. Resisting arrest is normally a **disorderly person's offense**, which **would not** rise to the level set forth in the policy in which the officer has probable cause to believe that contained within the recording device exists images or sounds of a **crime**. Resisting arrest can rise to the level of a crime, if the subject runs from the officer or uses or threatens to use physical force against the officer or uses any other means to create a substantial risk of causing physical injury to the public servant or another. For example, a bystander observes what appears to be a physical confrontation between an individual and the police, so the bystander decides to start recording the police trying to place a subject under arrest. The subject resists arrest by removing the officer's gun and shooting the officer in the chest. As more officers arrive on scene, witnesses point to the bystander and state to the officers that the bystander may have recorded the entire incident. Officers may then request that recording, as it is evidence of resisting arrest that has risen to the level of a crime.





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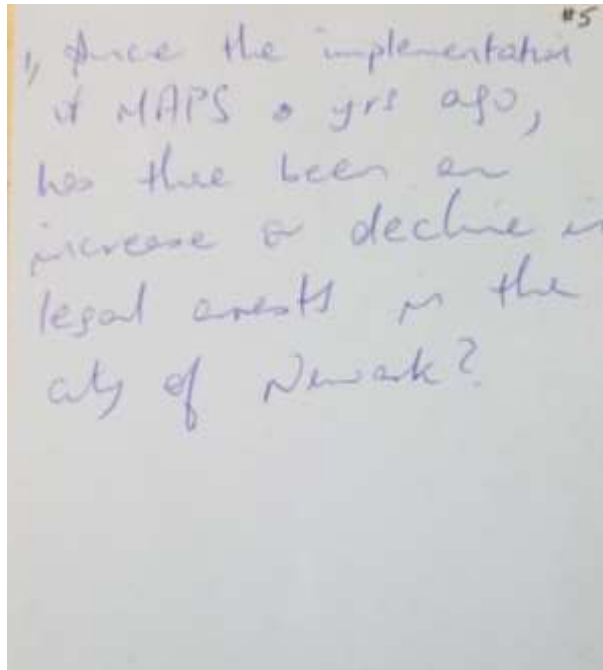


Question 4. What is the proper procedure for young male (African American) drivers to follow when being pulled over by police?

Answer 4. There is no specific required or proper procedure young male African American males or anyone from any other demographic category **must** follow. However, the [NPD Website](#) and the [NPD Mobile App](#) does offer the following advice in regards to a vehicle stop: You must show the officer your driver's license, registration, and insurance card. If you are stopped at night, turn on vehicle's interior light. The driver should place his hands on the steering wheel or keep them where they can easily be seen. It is recommended that the passengers also make their hands visible. If your windows are tinted, consider rolling them down so the officer can easily see into the vehicle. Police can only search your car if they have a warrant, are given permission to do so or develop probable cause that they will find something illegal, evidence in the car is in plain view or there is evidence of a crime after they stop your car. Police cannot ask to search your car unless they have a specific suspicion there is evidence of a crime inside. The driver can be ordered out of the car by the police although the passenger can only be ordered out for specific safety concerns. If the officer suspects you are driving under the influence (DUI), you may be required to take an alcohol screening test. If you refuse, you will face the same loss of driving privileges as for a DUI offense. The police can't arrest you for simply refusing to consent to a search.



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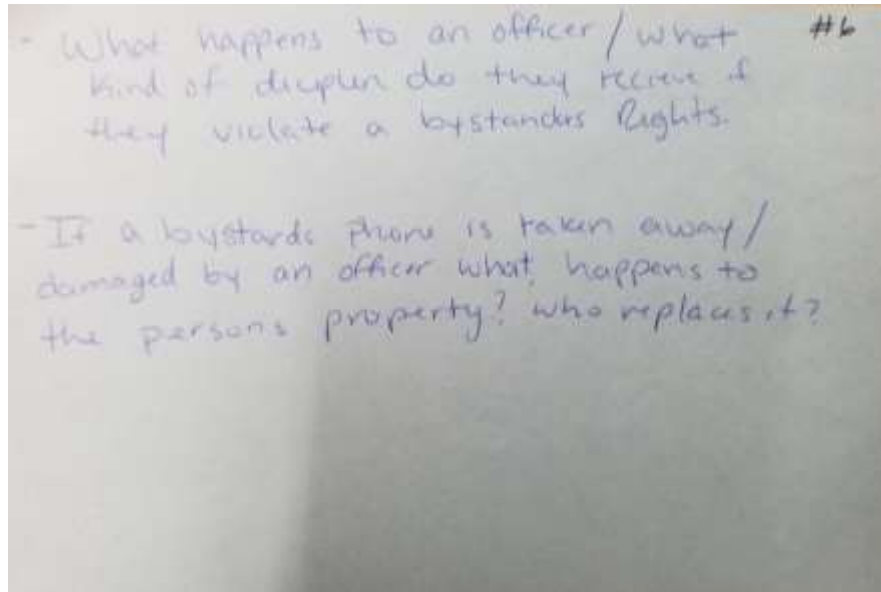
Question 5. Since the implementation of MAPS 2 yrs ago, has there been an increase or decline in legal arrests in the city of Newark?

Answer 5. For 2017 we had 11,416 arrests and year to date for 2018 we are at about 10,217 arrests. We average about 32 arrests a day, which should give us more or less another 1,504 arrests for about 11,721 for 2018, which is on par with 2017. In 2016, we had about 12,368 arrests, a 5% difference. For more information on crime-stats, please click [HERE](#). For more information on Transparency Data, please click [HERE](#).





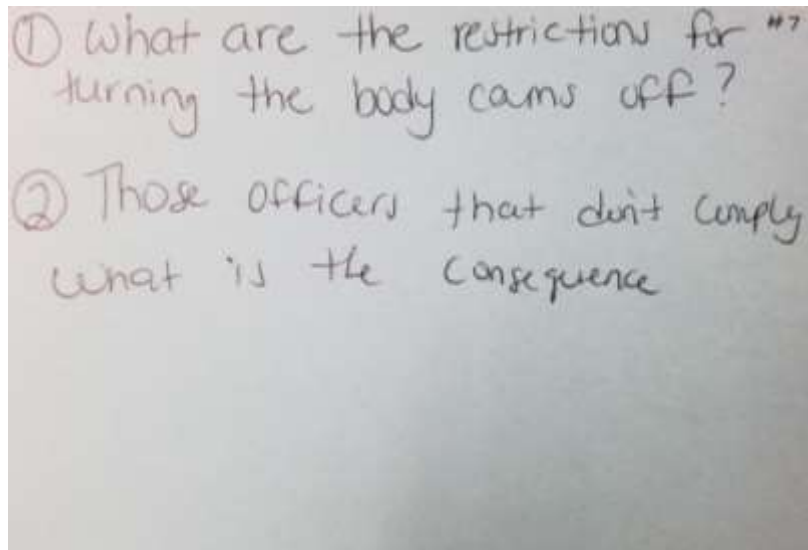
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- Question 6.    6a.    What happens to an officer/ what kind of discipline do they receive if they violate a bystander rights?
- 6b.    If a bystanders phone is taken away/damaged by an officer what happens to the persons property? Who replaces it?
- Answer 6.    6a.    A violation of a person's rights can rise to the level of a crime. Discipline, if found guilty, would be administered by the courts. Not following any NPD General Order would be a violation of NPD Rules and Regulations and could subject the officer to discipline. Discipline for acts of Disobedience of Orders are described in the Disciplinary Matrix Policy, click [HERE](#) for more information.
- 6b.    According to the FIRST AMENDMENT RIGHT TO OBSERVE, OBJECT TO, AND RECORD POLICE ACTIVITY Policy, Section VII the Investigative Supervisor shall assign a Detective to take the necessary actions to copy/preserve the evidence and return the recording device and/or media to the owner as soon as possible. In the instance where a device has been damaged, the owner of the damaged device may respond to the Law Department 920 Broad Street (City Hall) Room 316 and submit a claim as to the damaged property.



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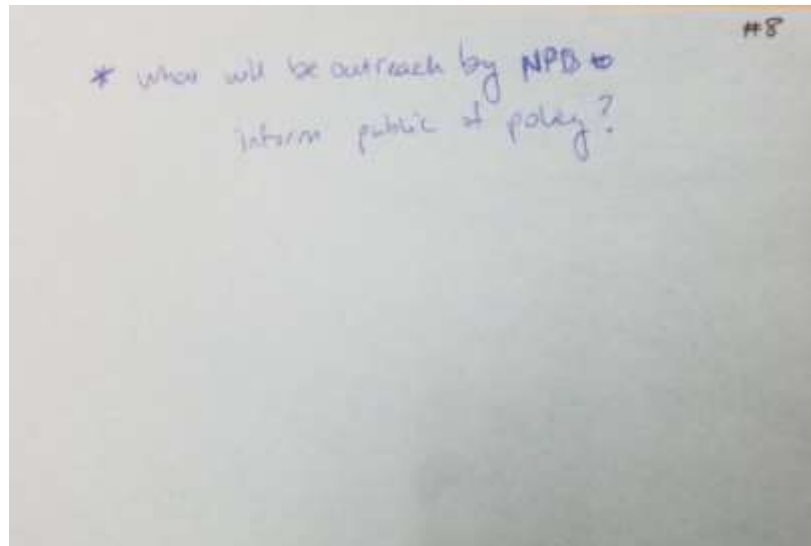
- Question 7.
- 7a. What are the restrictions for turning the body cams off?
  - 7b. Those officers that don't comply, what is the consequence?

- Answer 7.
- 7a. According to NPD General Order 18-05 Body Worn Camera (BWC), BWC's shall remain activated for the entire duration of each event/encounter, and shall not be deactivated until either the member(s) or all citizens have departed the scene. When providing assistance or backup to another officer, all members responding to the scene are required to have their BWC activated until all citizens have departed or assistance is no longer required. For more information on the NPD BWC program please click [HERE](#).
  - 7b. NPD General Order 18-05 Body Worn Camera is to be followed like any other NPD General Order. Disobedience of Orders would be a violation of NPD Rules and Regulations and could subject the officer to discipline. Discipline for acts of Disobedience of Orders are described in the [Disciplinary Matrix Policy](#).





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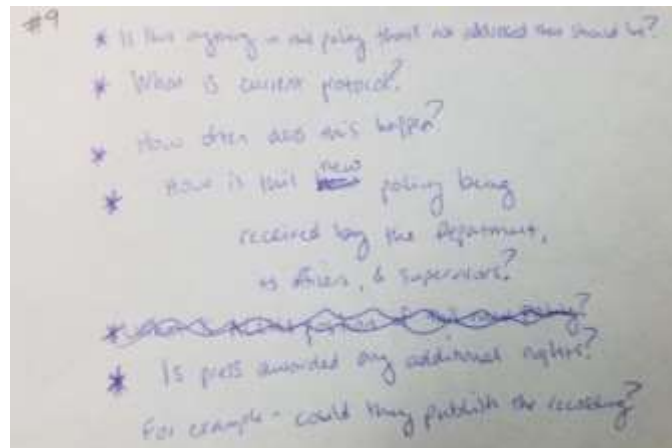


Question 8. What will be outreach by NPD to inform public of policy?

Answer 8. CommUnity & Cops town hall style meetings exist as a platform to seek and respond to input from the community about the implementation of Consent Decree mandates. Those mandates are implemented by the NPD as policies, training on those policies and audits/inspections of officers compliance with those new policies. Additionally, policies are posted online, please click [HERE](#) to see copies of DRAFT and Approved Policies.



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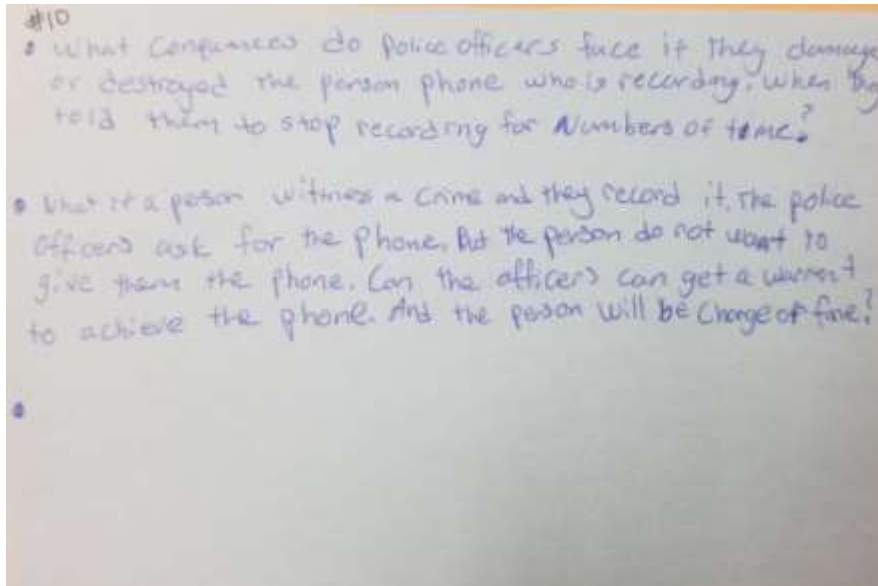
- Question 9.
- 9a. Is there anything in this policy that's not addressed that should be?
  - 9b. What is the current protocol?
  - 9c. How often does this happen?
  - 9d. How is this new policy being received by the department, its officers, & supervisors?
  - 9e. Is press awarded any additional rights? For example: Could they publish the recording?
- Answer 9.
- 9a. This policy has been worked on by members of the NPD, the Independent Monitoring Team, members of the U.S. Department of Justice and members of the U.S. Attorneys Office and presented to the community for review. Additional changes have been made to the policy based on the communities' recommendations. The policy is as complete as it could be, given this level of review and oversight.
  - 9b. Current policy on recordation of police activity is similar, however this policy goes much more in depth in terms of what specific procedures must be followed compared to previously issued memoranda.
  - 9c. NPD officers are recorded by the public on a regular basis. A search of Newark Police on Youtube will yield numerous examples of bystanders recording NPD officers in the performance of their duties.
  - 9d. This policy is yet to be released, however, as stated above, NPD's existing policy on recording police activity is similar in essence. This policy dives deeper in regards to scope and practice. Additionally, This General Order/Policy is to be followed like any other NPD General Order. Disobedience of Orders would be a violation of NPD Rules and Regulations and could subject the officer to discipline. Discipline for acts of Disobedience of Orders are described in the [Disciplinary Matrix Policy](#).





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- 9e. According to Section VI of the Policy, In public settings, officers shall allow bystanders the same access for photography and videography as is given to members of the press.



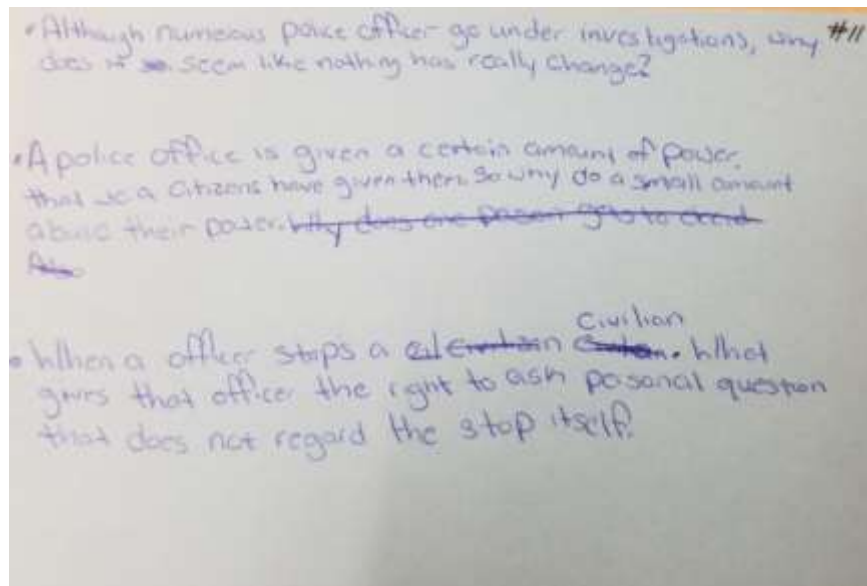
- Question 10. 10a. What consequence do police officers face if they damage or destroyed the person phone who is recording, when they told them to stop recording for numbers of time?
- 10b. What if a person witness a crime and they record it. The police officers ask for the phone, but the person do not want to give them the phone. Can the officers can get a warrant to achieve the phone. And the person will be charge or fine?

- Answer 10. 10a. Destroying an individual's cell phone by an officer to prevent an individual from recording police activity could constitute crimes such as theft, criminal mischief and Official Misconduct (N.J.S.A. 2C:30-2) a crime of the second degree and as such would be investigated by the Essex County Prosecutors Office for a violation of the law. Additionally, the officer would be in violation of this policy and would be subject to disciplinary action upon the completion of the criminal investigation. For more information, please refer to the following policies: [Disciplinary Process and Matrix Policy](#) Draft and the [Complaint Intake and Investigation Process Policy](#) Draft.



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- 10b. According to the policy, the officer would first detain the individual that made the recording and notify a supervisor. The supervisor, upon his or her arrival would review the facts and circumstances to determine if the detention was in fact appropriate. In addition, according to section VI-H of the policy, Division members shall obtain a search warrant before viewing photographs or listening to recordings on a camera or memory chip that has been seized as evidence.



- Question 11. 11a. Although numerous police officer go under investigations, why does it seem like nothing has really change?
- 11b. A police officer is given a certain amount of power, that we a citizens have given them. So why do a small amount abuse their power.
- 11c. When a officer stops a civilian. What gives that officer the right to ask personal question that does not regard the stop itself.
- Answer 11. 11a. It is the policy of the Newark Police Division to earn and maintain public trust and confidence through transparency when permitted by law. Public confidence is essential towards effective policing. Maintaining strong ties between the Newark Police Division and the community is of paramount importance in keeping our City safe.





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September 27, 2018 6:00pm – 8:30pm  
ALL STARS PROJECT of New Jersey 33 Washington Street, Newark, NJ**

The Newark Police Division is proud to be one of the first law enforcement agencies in the nation to publish police activity statistics with the hopes that the public will better understand our efforts to serve the community. Please click [HERE](#) to visit NPD's Transparency Data Page.

- 11b. Accusations of corruption and abuse of police power will be investigated. The Office of Professional Standards' (OPS) central duty is to monitor the actions and behavior of Newark Police Division personnel and ensure compliance with the Regulations, Policies, City ordinances and state and federal laws.
- Division's Rules &

The OPS is responsible for investigating complaints of serious rule infractions, criminal allegations, firearm discharges, vehicle pursuits and monitoring drug testing of employees. The OPS also investigates complaints of minor rule infractions and conducts inspections and audits of precinct commands and their personnel.

- 11c. Investigatory stops must be supported by **reasonable and articulable suspicion** that a person is about to commit a crime, is in the middle of committing a crime, or has just committed a crime. Even with appropriately established reasonable suspicion, investigatory stops have limitations and are intended for police to confirm or dispel their suspicions. Officers will therefore be in the process of investigating unlawful activity and as such will ask questions to confirm or dispel those suspicions.