

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

UNITED STATES OF AMERICA,
Plaintiff,

NO. 16-01731(MCA-MAH)

vs.

CITY OF NEWARK,
Defendant.

**CITY OF NEWARK'S
FIFTH STATUS REPORT**

INTRODUCTION

Pursuant to paragraph 197 of the Consent Decree entered in this matter, Defendant, the City of Newark (“City”), submits this status report to delineate the many steps taken by the Newark Police Division (“NPD,”) to implement the Consent Decree; plans to correct any issues; and responses to any concerns that have been raised by the Independent Monitor (“Monitor”).

EXECUTIVE SUMMARY

The Newark Police Division has made significant progress toward complying with the Consent Decree and improving overall services to the community. Below are selected highlights for the reporting period of April 27, 2018 to October 26, 2018.

1. The NPD continues to collaborate with the Independent Monitoring Team (“IMT”) Subject Matter Experts (“SMEs”) and members of the U.S. Department of Justice and the U.S. Attorney’s Office to develop and draft high quality progressive police policies in accordance with the Consent Decree.

2. The NPD continues to deploy body worn cameras and in-car cameras with five out of six Precincts and the Municipal Housing Division equipped during the reporting period. Cameras serve as useful tools for recording evidence, more importantly however; they promote professionalism, accountability, and transparency by documenting officer conduct and interactions with the public in compliance with the Consent Decree.

3. The NPD continues to make progress in conducting training in substantive areas of the Consent Decree. NPD completed training for all Division members in Community Oriented Policing; continues to train Division members in body worn cameras as they are deployed and has started Division wide use of force training during the reporting period.

4. During the reporting period, the NPD has implemented a document management system, "Power DMS" that has condensed cabinets full of paper into a single, searchable online source that automatically disseminates, collects signatures on, and tracks NPD's policies and procedures. Power DMS will also be used to manage training records and make NPD policies accessible to the community online.

5. During the reporting period, the NPD has collaborated with the Civilian Complaint Review Board ("CCRB"). Policies and Internal Affairs quarterly summaries have been sent to the CCRB for review, galvanizing civilian oversight in accordance with the Consent Decree.

6. NPD has participated in numerous community engagements during the reporting period. Among them and most notably, "Operation Conversation: Cops and Kids" where performance, improvisation and conversation help inner-city teenagers and police officers develop a positive relationship. NPD continues to make collaborative community engagement and the building of public trust a priority.

7. NPD has expanded its use of the Bar Coded Evidence Analysis Statistical Tracking ("BEAST") System across all precincts and the municipal arrest processing section during the reporting period to improve data integrity, centralize information and in general assist in applying consistent data and evidence handling standards across the NPD.

8. NPD has contracted with the Gartner Group to address current demands including meeting the objectives of the Consent Decree and prepare for future needs. NPD is seeking to improve its information technology (IT) capabilities through strategic actions aimed at evolving its operational

management capabilities, conduct a comprehensive Information Technology Assessment to achieve a comprehensive, actionable IT Strategy and Roadmap that will establish the capabilities required to deliver identified goals, operationally and technically.

9. NPD's commitment to transparency in its procedures and performance remains a priority. During the reporting period, transparency data has been posted and updated in compliance with Consent Decree requirements.

10. During the reporting period, members of the Consent Decree and Planning Division ("CDPD"), which serves, as the Consent Decree paragraph 196 required implementation unit, attended the Basic Law Enforcement Performance Auditors Course ("BLEPAC") conducted by the Los Angeles Police Department Audit Division. This training is designed to equip CDPD officers with contemporary auditing skills, knowledge and principals to better comply with auditing tasks mandated by the Consent Decree.

POLICIES

During the reporting period and in compliance with paragraph five of the Consent Decree, the following policies and procedures have been drafted in collaboration with members of the IMT-SMEs, the U.S. Department of Justice, the U.S. Attorney's Office and the Community.

- Use of Force Policy – Approved by Monitor September 8, 2017.
- Stops Policy – Approved by Monitor March 3, 2018. As of September 20, 2018 the Monitor requested several edits to the policy.
- Searches with and without a Search Warrant Policy – Approved by Monitor March 3, 2018. As of September 20, 2018 the Monitor requested several edits to the policy.
- Arrests with and without an Arrest Warrant Policy – Approved by Monitor March 15, 2018. As of September 20, 2018 the Monitor requested several edits to the policy.
- Body-Worn Camera Policy – Approved by Monitor March 21, 2018. Issued to NPD June 8, 2018.
- In-Car Camera Policy – Approved by Monitor March 21, 2018 Issued to NPD June 8, 2018.
- AFIT Policy (All Force Investigation Team) – Approved by Monitor March 16, 2018. Minor updates being added to the policy in consultation with IMT.

- Firearms and Other Weapons Policy – Approved by Monitor March 16, 2018. Minor updates being added to the policy in consultation with IMT; community feedback being reviewed.
- Internal Affairs: Complaint Intake Policy – Approved by Monitor July 12, 2018. Policy revised and sent to Monitor for final approval on September 28, 2018.
- Community Engagement Policy – Approved by Monitor July 16, 2018. Reviewing community feedback.
- Property & Evidence Management Policy – Approved by Monitor August 2, 2018. Policy revised and sent to Monitor for final approval on October 5, 2018.
- Property & Evidence Division Policy – Approved by Monitor August 2, 2018. Additional Monitor's edits added on September 21, 2018.
- First Amendment Policy – Approved by Monitor August 9, 2018. Pending NPD input of community recommendations.
- Disciplinary Process & MATRIX – Approved by Monitor September 21, 2018. Monitor's suggested edits added on October 2, 2018. Community review scheduled for October 30, 2018.

BODY WORN CAMERA

The NPD developed the body-worn and in-car camera policies addressing the requirements in paragraph 104. The Monitor and DOJ approved these policies on March 21, 2018. Following the community policy review and demonstration of the equipment on April 26, 2018, the policies were finalized and issued to the NPD on June 8, 2018.

The NPD initially implemented a "Body-Worn and In-Car Camera Pilot Program" in the Second and Fifth Precincts. As of October 2018, body-worn cameras have been deployed in the First, Second, Fourth, Fifth and Sixth Police Precincts.

Technology challenges have been uncovered during the deployment process, which have delayed full implementation. Technology upgrades have been undertaken and the NPD expects full deployment before the end of 2018.

On April 9, 2018, the NPD implemented an 8-hour training program based on the approved BWC and In-Car Camera policies. As of October 23, 2018, 466 officers have received the 8-hour training.

In addition, personnel from the below organizational components have received training in the Arbitrator software, in order to operate, and in certain positions evaluate and monitor the proper use of the equipment, and compliance with procedure:

- Office of Professional Standards
- Legal & Internal Affairs Unit
- Transparency and Risk Analysis Management
- Technology Unit
- Integrity Control Officers
- Municipal Arrest Processing Section
- Communications Division / 911 Call Center

On October 15, 2018, a new server for the body-worn and in-car camera project was installed. This upgrade improved the overall performance in viewing and retrieving video.

On October 16, 2018, an additional four-hour training course began for supervisors only. This course is designed to enhance the supervisor's knowledge in retrieval of video for the required video review mandates listed in the consent decree. On October 22, 2018, body-worn camera and in-car camera deployment began in the Sixth Precinct.

TRAINING

In compliance with Consent Decree paragraphs 10, 11, 14, training on Community Policing began on March 12, 2018 following approval of the curriculum by the Independent Monitor and DOJ. The eight (8) hour training was completed on June 1, 2018, 1043 Police Officers and 110 Special Police Officers were trained. New Police Officers will also receive the eight (8) hour training.

In addition to the above mentioned training, for the last two (2) years, the NPD has been participating in the "Trauma-Informed Responses to Violence Training" which brings together

groups of officers and civilians, and uses a Restorative Justice approach to build trust between officers and civilians.

The Trauma-Informed Responses to Violence Training which is hosted by Equal Justice USA focuses on pairing small groups of community members and officers to work together. It has proven to be extremely valuable in the sense that it fosters police-community engagement, better understanding, establishes better working relationships, promotes trust building, problem solving, and the exchange of different points of view from the different perspectives of both the community and law enforcement officers.

The Trauma-Informed training is well received by community members and police officers alike. The training classes are small and the number of participants is limited, which is conducive to meaningful dialogue. Since its inception a total of 154 NPD personnel have participated in the training. The next phase of this training has resumed on October 3, 2018 through December 3, 2018.

In compliance with Consent Decree paragraph 43, the NPD has hired an experienced Training Officer who is assisting in the development of training curricula and lesson plans as directed by the Public Safety Director or his designee.

Development of the sixteen (16) hour training curriculum on Stops, Searches and Arrests is near completion. The NPD incorporated scenarios provided by the NJ State Attorney General's Office, for a better and more realistic understanding of the topics. Division-wide training is expected to start in December 2018, pending Monitor and DOJ final approval prior to implementation. The NPD has identified and hired an attorney to deliver the training.

In compliance with paragraph 63, the NPD has been exploring different options to implement the best available training on Bias-Free Policing to its officers. A renowned independent contractor "Fair and Impartial Policing LLC" (FIP) was selected after an exhaustive selection process. The NPD is currently engaged with FIP to provide the eight (8) hour training to all NPD personnel in the near future. In addition, the NPD has developed an independent PowerPoint presentation based on the approved policy, which will be delivered to NPD personnel.

Since approval of all policies related to the use, reporting and investigation of force, the CDPD has been working toward developing training. The training itself will also be subject to review and approval by the Monitor and DOJ before it can be implemented.

The Newark Police Division hired an independent contractor "Force Concepts", through a grant from the National Training and Technical Assistance Center (NTTAC), Bureau of Justice Assistance (BJA), United States Department of Justice (DOJ). The selection process was handled by NTTAC with feedback from the Independent Monitoring Team and the NPD.

Several meetings and conference calls were conducted between Force Concepts, the Independent Monitoring Team, representatives of various community groups, and NPD personnel to obtain their feedback. Force Concepts developed draft Use of Force curricula which included scenarios filmed utilizing NPD personnel. All training material was made available to the Independent Monitor for review on September 21, 2018.

Several NPD selected instructors received the training on September 24 and 25, 2018. The proposed first class, which will include only NPD supervisors, was scheduled for October 24, 2018.

A Use of Force Reporting and Review Training Bulletin was issued through Power DMS to all NPD personnel on October 2, 2018.

The Newark Police Division has also retained an independent contractor "Warning Order LLC", who has developed a De-Escalation "Train the Trainer" course. This training, which has already been reviewed and approved by the Monitor, was already taught to several identified NPD instructors.

NPD is working with the Rogers Group, which has been contracted by the U.S. Department of Justice to assist the NPD, to develop an Internal Affairs Investigators Training Course along with an Internal Affairs Manual. First two of four modules has been sent to DOJ for review.

NPD has conducted eight (8) hours of CPR / Bleeding Control Training for over 400 members and provided first aid equipment to each attendee. The training is ongoing and will be resumed once the contract is renewed with University Hospital. First Aid & CPR training is initially provided to all personnel as part of the Police Training Commission requirements for all NJ Police Officers.

POWER DMS

In compliance with Consent Decree paragraphs 8 and 12, during the reporting period, the NPD implemented a document management system, “Power DMS” that has condensed cabinets full of paper into a single, searchable online source that automatically disseminates, collects signatures on, and tracks NPD’s policies and procedures. Power DMS will also be used to manage training records and make NPD policies accessible to the community online. To date, the entire Police Division has been trained on Power DMS with the exception of thirty (30) members, who are currently Long Term Sick or Injured, Suspended, or on Terminal Leave.

CIVILIAN OVERSIGHT

During the reporting period, the NPD has collaborated with the Civilian Complaint Review Board (“CCRB”). On March 19, 2018, Superior Court Judge Kessler rendered a final opinion indicating that the CCRB can serve strictly in an oversight capacity in accordance with paragraph 13 of the Consent Decree. However, the CCRB is prohibited from engaging in investigations, hearings, adjudications, or issuance of subpoena power, in matters relative to officer misconduct or discipline. The City of Newark has filed an appeal of the court’s decision. All briefs have been filed as of the date of this report.

On April 16, 2018, the Public Safety Director issued DPS Memorandum: 18-231, indicating that the Office of Professional Standards shall provide quarterly summaries of Internal Affairs data to the Office of the Public Safety Director to be forwarded to the CCRB for review. Reports have been sent to the CCRB for the last three quarters. Currently, all Consent Decree related policies developed by the NPD are being made available to the CCRB for review and input as part of the policy development process.

COMMUNITY ENGAGEMENT

NPD has participated in numerous community engagements during the reporting period. Among them and most notably, “Operation Conversation: Cops and Kids” where performance, improvisation and conversation help inner-city teenagers and police officers develop a positive relationship. Additionally, Precinct commanders are required to attend a minimum of five (5) community events every week, in an effort to foster the partnerships established with community

stakeholders such as residents, business owners, faith-based organizations, school employees, social services, community groups. Precinct commanders are also tasked with ensuring that the precinct Community Service Officers (CSO), and precinct School Resource Officers (SRO) are active participants in these events, in accordance with DPS Memorandum: 18-313A, Re: Neighborhood Policing Plans. NPD continues to make collaborative community engagement and the building of public trust a priority.

The Community and Clergy Affairs Unit in collaboration with Precinct CSOs and SROs engage further with the community by hosting a number of events. Coffee with a Cop which brings police officers and the community members they serve together over coffee to discuss issues and learn more about each other and anti-bullying programs at local schools. Gang Resistance Education and Training (G.R.E.A.T.), is an evidence-based and effective gang and violence prevention program built around school-based, law enforcement officer-instructed classroom curricula. The Program is intended as an immunization against delinquency, youth violence, and gang membership for children in the years immediately before the prime ages for introduction into gangs and delinquent behavior. The Community and Clergy Affairs hosted the G.R.E.A.T. graduation on June 15, 2018.

In compliance with paragraph 15, the Urban League of Essex County assisted NPD by contracting an expert to conduct a staffing assessment, and make recommendations to support community policing and problem-solving initiatives. The Final Staffing Assessment Report was received by the NPD on September 10, 2018, and has been forwarded to the Monitor and the U.S. Department of Justice for review.

In accordance with paragraph 19, the CDPD has conducted a series of CommUnity & Cops town hall style meetings, which exist as a platform to seek and respond to input from the community about the implementation of Consent Decree mandates. During these meetings, the community is encouraged to express their opinions and concerns, and to become involved in future forums, as well as provide their input to be considered as part of the NPD policy development process. Community feedback is gathered during the forums, and any questions or concerns are addressed by the NPD and made publicly available on the NPD and Consent Decree websites.

The following Consent Decree Community Forums have taken place during this reporting period:

- Searches with and Without a Search Warrant Policy Forum on May 2, 2018 at the Waterfront Sports, Arts and Entertainment Center – 2 Grafton Avenue, Newark.
- Arrests with and Without an Arrest Warrant Policy Forum on May 9, 2018 at the Sport Club Portuguese – 55 Prospect Street, Newark.
- Consent Decree Information Community Forum on June 5, 2018 at the 6th Police Precinct Building – 491 Irvington Avenue, Newark.
- Use of Force Reporting, Investigation and Review Policy Forum & Complaint Intake and Investigation Process Policy Forum on July 19th, 2018 at the Stephen N. Adubato Sports Complex – Branch Brook Park, Newark.
- Community Oriented Policing Policy Forum on August 23, 2018 at the TREC Center Complex – 55 Ludlow Street, Newark.
- First Amendment Right to Observe, Object to, and Record Police Activity Policy Forum on September 27, 2018 at the All Stars Project of New Jersey – 33 Washington Street, Newark.

In compliance with paragraph 18 of the Consent Decree, the CDPD has completed its First Community Policing Quarterly Report, which was posted to the NPD Consent Decree website on April 30, 2018. The Spanish and Portuguese language versions were posted to the NPD Consent Decree website on June 1, 2018. The Second Community Policing Quarterly Report, which includes the results of the Staffing Assessment Report, was completed and posted to the NPD website on September 24, 2018. The NPD is currently working to produce the Third Quarterly Report.

PROPERTY AND EVIDENCE MANAGEMENT

During the reporting period, the Monitor has approved the NPD Property and Evidence Management Draft Policies. The Policy Draft has been updated to integrate Consent Decree related mandates to include the expansion of the BEAST System (nine new locations) to document, immediately, the intake and inventorying of evidence at these locations. Fifty-three members Division wide have been trained in this system. Temporary evidence lockers have been installed

in Municipal Arrest and Processing Section (“MAPS”) which has allowed for the process of securing evidence and property at MAPS to be streamlined.

Property Room personnel now monitor thirty-eight (38) newly installed HD cameras in and around the property facility daily to ensure security and integrity is maintained.

The BEAST software is being utilized to electronically track property and evidence. Terminals and additional licenses were installed, and training has been imparted to personnel who handle property and evidence at the Property and Evidence Division, Crime Scene Unit, Ballistics Unit, Municipal Arrest Processing Section, Special Victims Division, 1st, 2nd, 3rd and 5th Police Precincts, and the Environmental & Vice Crimes Task Force.

As per paragraph 110, subsection d, of the Consent Decree, working video cameras have been installed at each precinct and the property room to monitor areas where property is handled and stored. Additionally, NPD Property and Evidence Division Command Staff have been working closely with the City Architect and City officials in designing a new secure evidence and “purpose built” property facility to meet NPD’s needs and to be compliant with NJAG Guidelines and IAPE standards.

INFORMATION TECHNOLOGY ASSESSMENT

NPD has collaborated with the Gartner Group to address current demands including meeting the objectives of the Consent Decree and prepare for future needs. NPD is seeking to improve its IT capabilities through strategic actions aimed at evolving its operational management capabilities, conduct a comprehensive Information Technology Assessment to achieve a comprehensive, actionable IT Strategy and Roadmap that will establish the capabilities required to deliver identified goals, operationally and technically. Gartner’s strategic planning effort will begin by establishing a framework that views technology conditions holistically. By assessing NPD’s operational and technical environment as well as information management and organizational capabilities, Gartner will develop a thorough understanding of NPD’s needs and identify key gaps and opportunities for improvement.

When opportunities have been identified and prioritized, Gartner will help the NPD establish a vision for the future state of IT. The vision will drive specific initiatives to help meet NPD’s defined strategic goals. Initiatives may include improving operational plans, enhancing existing systems,

acquiring new technology or integrating data, designed to benefit information sharing, system management and governance. Gartner will then ultimately develop NPD's strategic IT roadmap, supported by actionable plans and recommendations. The defined roadmap of key initiatives that define NPD's IT investment in public safety IT for the next three to five years and the actionable IT plan that NPD can follow to enable operations and meet defined strategic objectives will be complete by November 30, 2018.

TRANSPARENCY

NPD's commitment to transparency in its procedures and performance remains a priority. During the reporting period, transparency data has been posted and updated in compliance with Consent Decree requirements.

The Department of Public Safety's (DPS) website is regularly updated and revised to make the most up-to-date information available to all members of the community. The website can be accessed online by going to: <http://npd.newarkpublicsafety.org/>

Within the DPS website, the public can also access a separate website, which was specifically designed and created by the Consent Decree & Planning Division to include all Consent Decree related activity. The site is available by clicking the tab CommUNITY & COPS, or by accessing it from any internet connected computer or mobile device by going to: <https://www.npdconsentdecree.org/>.

As the NPD continues the process of developing and revising its policies and procedures in collaboration with the Independent Monitoring Team and DOJ, the NPD will publish all policies on its website.

The following is transparency data is currently available on the NPD website:

1. Sworn Personnel Rules and Regulations
2. Civilian Personnel Rules and Regulations
3. ComStat related information
4. Crime Statistical Data

5. Transparency Data

- Discipline
- Misconduct Complaints
- Body Worn Camera Policy and Survey
- Use of Force Data to include; Type of Force Used, Race and Gender of the person and injuries sustained by person/s and/or officer/s

AUDITS

During the reporting period, members of the CDPD attended the Basic Law Enforcement Performance Auditors Course (“BLEPAC”) conducted by the Los Angeles Police Department Audit Division. This training is designed to equip CDPD officers with contemporary auditing skills, knowledge and principals to better comply with auditing tasks mandated by the Consent Decree, by conducting audits pursuant to the Generally Accepted Government Auditing Standards (“G.A.G.A.S.”).

NPD CDPD completed two quarterly audits for 2018 of FI/Stop Reports and is currently in the process of conducting the third quarter audit. The following table summarizes the inspection results.

Objective No.	Objective Description	Number Meeting Standard – 1 st Quarter	Number Meeting Standard – 2 nd Quarter
1.	Does the Stop Report articulate reasonable articulable suspicion for the stop?	46/61	44/61
2.	Does the Stop Report articulate reasonable suspicion for frisk?	2/7	0/5
3.	Does the Stop Report articulate probable cause for a search?	9/17	8/10
4.	Was the Stop Report Accurately completed?	26/61	30/61

In response to the Audit results, the NPD has initiated some procedural changes including:

1. On May 10, 2018, CDPD changed the DP1:1388 “Field Inquiry Report” to the “Stop Report” in RMS and changed the form to allow officers to type multiple pages’ worth of characters in the

box previously labeled “describe type of incident” (which was allocated only 44 characters). The title of the box was also changed to “describe reasonable suspicion for the stop.”

2. NPD officially changed the name of the DP1:1388 from the “Field Inquiry Report” to the “Stop Report” in PSD Memo 18-162 on March 13, 2018 and limited its use to when officers are interacting with someone who is “not free to leave.”

3. Shortly after the issuance of PSD Memo 18-162, CDPD members held various roll call trainings throughout the city to explain the contents of the memo and answer questions officers may have. CDPD was also contacted by the Hispanic Law Enforcement Society (“HLES”) to conduct training related to Stops to its members, at a forum held for officers, off-duty who showed up on their own time with questions about the PSD Memo.

4. CDPD created and issued an eighteen (18) page In-Service Training Bulletin in May 2018 titled “Consensual Citizen Contacts, Investigatory Stops & Reporting” (found in PowerDMS) which explains Stop, Frisks, RAS, how an officer can articulate RS and other related matters. The bulletin also included three (3) scenarios with explanations as “food for thought” to how officers can satisfy the reporting requirements when conducting stops.

5. NPD is creating a new DP1:1388 “Stop Report” so officers have a better understanding of what needs to be explained to properly document a lawful stop. NPD will soon ask all members of the department for their input concerning the form, so we can not only adhere to the requirements of the Consent Decree but use it as a better investigative tool that it is intended to be.

During the reporting period, the CDPD conducted an inspection of supervisor responsibilities as it relates to Body Worn Camera General Order 18-05 by NPD personnel to determine if NPD supervisors conducting compliance checks are in conformance with Division Policy and Procedures.

CDPD randomly selected July 5, 2018, to and including July 12, 2018, as the inspection period. As of the inspection date, First, Second, Fourth and Fifth Precincts have deployed BWC’s. All related tour sheets, supervisor logs, supervisor Field Inspection reports, administrative reports and all emails submitted by desk supervisors pursuant to their review of two videos per tour were gathered and examined. The following table summarizes the inspection results.

Objective No.	Objective Description	Number Meeting Standards	Percentage Meeting Standard
1.	Did the desk supervisor submit a BWC Compliance Report during their shift to document the review of two videos?	46/96	48%
1a.	Was the BWC Compliance Report Accurate?	62/92	67%
2.	Did the Field Supervisor submit a Field Inspection Report during his/her respective tour of duty?	122/192	63%
2a.	Was the BWC section of the Field Inspection Report Accurate?	146/205	71%

As a result of the inspection, the CDPD has developed a separate BWC Policy Training Course for supervisors, which emphasizes instruction within the Front-end and Back-end Client. The CDPD modified the Supervisors Field Inspection Report (SFIR) to accurately reflect what field supervisors are actually able to do out in the field when checking officers BWC policy compliance. The CDPD modified the BWC Compliance Report to comport with General Order 18-05 and updated General Order 80-1 Responsibilities of Command and Supervisory Personnel Supervisor to be in concert with DPS Memo 2016-175 Duties and Responsibilities of Supervisors.

RESPONSES TO MONITOR'S CONCERNS/REPORTS

During the reporting period, the Monitor issued a Second Year Reassessment report, in which the monitor reports on his concerns and recommendations in Section III of that document. NPD's response to those concerns are:

A (1). Data Systems

As referenced above, the NPD has contracted with the Garter Group, an independent consulting group, to undertake a comprehensive review of a NPD's technology. This review will produce a report with recommended changes not just on individual technologies, but also on how best to support and sustain that investment in technology. The NPD believes it is premature to offer any recommendations until that assessment is complete.

A (2). Training

Section IV of the Consent Decree specifically addresses broad training issues for the NPD. The Monitor has repeatedly recommended that, in addition to the requirements of the Consent Decree, the NPD hire a "training director," and the NPD has repeatedly responded that we have a police captain permanently assigned to that function. In regard to training implementation, the NPD agrees that the timeline given in the Consent Decree is unrealistic, but the NPD does not see a need to amend the Consent Decree at this point as the majority of new training has been implemented or is now very close to implementation.

A (3). Community Engagement

The NPD believes that the level of community engagement underway in the NPD is unprecedented and unmatched in modern policing. Evidence of the level of community engagement is available daily through the NPD's social media. The Monitor mentions that the NPD does not survey "through written instruments" the community's public safety concerns. It is the Monitor, not the NPD, that is required to survey specifically "through written instruments." NPD's responsibilities are defined in paragraph 19, and as this report demonstrates, the NPD is exceeding expectations.

The NPD is willing to reconsider the Monitor's request to retain an expert to conduct focus groups of hard-to-reach youth.

The NPD is not interested in assuming the Monitor's responsibilities of paragraphs 22-24 to conduct surveys.

B. Domestic Violence

This section is not clear. The phrase "domestic violence" does not appear in the DOJ findings report or in the Consent Decree. The Monitor's report references the DOJ report's mention of a concern regarding victims of sexual assault, but sexual assault is not synonymous with domestic violence.

As stated by the Monitor, a review was conducted of Internal Affairs investigations from 2015 and 2016. During those two years, there were nine allegations of domestic violence involving police officers that occurred within the City of Newark in 2015 and five in 2016. It is inconceivable that

conclusions regarding NPD's response to domestic violence could be made from such a small sample. Nonetheless, the NPD is more than willing to review the matter, take swift action, and address any problems; however, despite multiple requests for more information regarding this review, the NPD has not received any further information. It would appear that this assessment against NPD is not supported by the information obtained by the Monitor regarding domestic violence.

C. Involve Entire NPD in Consent Decree Process

The NPD believes that during the first two years of the Consent Decree, as the majority of work had been dedicated to policy and training development, that the level of department involvement was commensurate with that process. Now that those tasks have been completed, and policies and trainings are implemented, the NPD is taking steps to more broadly involve the entire department in the Consent Decree process. On October 24, 2018, a five (5) hour training course on the Consent Decree was held for the entire command staff, where members of the CDPD conducted a presentation on the issues that gave rise to the Consent Decree (i.e., the ACLU's 2010 petition and the DOJ's 2014 report); what the NPD has done and will be doing to comply with Consent Decree mandates. A review of the entire Consent Decree, line-by-line was conducted. In addition, on Oct 19, 2018, the NPD issued a revision to the Order regarding the CDPD to established focus groups for rank-and-file members of the NPD to give feedback and have more input regarding Consent Decree implementation.

Respectfully submitted,

Kenyatta K. Stewart
Corporation Counsel
City of Newark

CERTIFICATE OF SERVICE

The undersigned certifies that the City of Newark's Fifth Status Report was filed electronically on October 26, 2018. Notice of this filing will be sent to all parties via the Court's electronic filing system. Parties may access this filing through the Court's system.

Electronic copies were also e-mailed to the Independent Federal Monitor, U.S. Attorney's Office and the Department of Justice on October 26, 2018.

By: /s/ Avion M. Benjamin
Avion M. Benjamin
First Assistant Corporation Counsel
City of Newark