

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

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**UNITED STATES OF AMERICA,**  
Plaintiff,

**NO. 16-01731(MCA-MAH)**

vs.

**CITY OF NEWARK,**  
Defendant.

**NEWARK POLICE DIVISION  
NINTH STATUS REPORT**

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**INTRODUCTION**

Pursuant to paragraph 197 of the Consent Decree entered in this matter, Defendant, the City of Newark (“City” or “Newark”), 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 Monitoring Team (“IMT”).

**EXECUTIVE SUMMARY**

The NPD 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 28, 2020 to October 27, 2020.

1. During the reporting period, and in the face of a global pandemic that has taken the lives of six NPD members, the NPD has had to take on additional responsibilities and come up with innovative ways to continue to make Consent Decree reform a priority.

2. During the reporting period, tens of thousands of people across the country took to the streets to protest the death of George Floyd at the hands of Minneapolis Police officers and to protest police brutality. In many cities, these protests led to violent confrontations between protesters and police. Reports of shootings, lootings of stores and acts of vandalism were commonplace in many cities along with reports of police utilizing aggressive tactics to impose order. Newark's experience was different.

3. The NPD continues to collaborate with the IMT Subject Matter Experts ("SME"), members of the U.S. Department of Justice and the U.S. Attorney's Office to develop and draft high-quality progressive police policies and training in accordance with the Consent Decree.

4. During the reporting period, the IMT conducted the second audit of training records for all relevant officers in the following Consent Decree areas: (1) Stops, Searches, and Arrests; and (2) Fair and Impartial policing; pursuant to Consent Decree Paragraphs 12 and 173. The IMT also began the audit of Stops, during the reporting period. NPD has provided related documentation and materials in electronic format to ease the review and audit of those materials in an effort to minimize the spread of the coronavirus disease.

5. During the reporting period, NPD continues to make progress in conducting training in substantive areas of the Consent Decree. NPD has conducted training for Division members in Stops, Searches and Arrests, and Fair and Impartial Policing despite challenges posed by the coronavirus pandemic. NPD has leveraged existing technologies such as tablets and smart boards to assist with remote learning and increased social distancing.

6. During the reporting period, NPD continued to deploy body worn cameras and in-car cameras with all sworn personnel, including supervisory and Command Staff, 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 including interactions made with command rank officers, in compliance with the Consent Decree. During the reporting period, the IMT conducted an audit of body worn camera and in-car camera use by members of the NPD. Auditors were given full access to data, documents and materials in compliance with paragraph 196 of the Consent Decree.

7. NPD has prioritized community engagement during these difficult times a priority. NPD has participated in events in support of the community, such as the distribution of facemasks to those found without them and educating the public regarding the dangers of the coronavirus pandemic. NPD continues to make collaborative community engagement and the building of public trust a priority.

8. Prior to the reporting period, NPD assumed the task of re-writing the Internal Affairs Investigator Manual (“IA Manual”) which was initially drafted by a private contractor, the Rogers Group, who was hired by the Department of Justice. NPD provided a re-draft to the IMT for their review on March 31, 2020. On June 29, 2020, the IMT SME’s provided NPD with an eighteen-page table of contents requiring another re-write of the IA Manual. Training in this area has stalled due to the delays in completing the manual. NPD looks forward to completing the IA Manual with the technical assistance of the IMT SME’s so the development of training for Internal Affairs Investigators may commence forthwith.

9. NPD continues to pursue innovative ways to achieve Consent Decree reforms. During the reporting period, NPD began an artificial intelligence program in collaboration with IBM and NJIT. The premise behind this initiative is to allow computers equipped with artificial intelligence to review all body-worn camera video recordings. Videos are flagged based on algorithms set by programmers. This method, if successful, would streamline the review of videos and flag videos that would potentially go unnoticed as problematic or at least in need of further review by a supervisor. Currently only a percentage of all videos are reviewed.

10. During the reporting period, the NJ Attorney General instituted new reporting requirements for uses of force. This new reporting methodology is systems-based, similar to what NPD has already put in place with the IAPro & Blue Team software. The Attorney General chose to go with a different system from Benchmark Analytics. Because of this change, NPD officers must duplicate their efforts in reporting use of force incidents, as they have to input the same information into two different systems. NPD is currently exploring ways in which this duplication of effort can be minimized by moving to one reporting platform while meeting Consent Decree requirements and the Attorney Generals guidelines.

## **COVID-19 RESPONSE**

The coronavirus pandemic has adversely affected the day-to-day operations of the NPD. Restrictions on gatherings and the need to socially distance to stem the spread of the virus has led to changes in the deployment of personnel and changes in the way training is conducted. New enforcement modalities have also been instituted as NPD members have been tasked with enforcing public health orders.

The virus has also affected the health of numerous members of the NPD. During the reporting period, 206 Division members tested positive for COVID-19. A total of 298 members were quarantined due to high-risk exposures and the development of symptoms. Six Division members ultimately succumbed to the disease. Many are still recovering, as of the drafting of this document, with long-term effects, such as difficulty breathing still plaguing them, long after the initial recovery.

In response to the coronavirus pandemic, NPD has instituted new procedures to help stem the spread of the disease within its ranks while still providing effective police services to the community during these difficult times. Personnel regularly assigned to administrative duties, including members of the Consent Decree and Planning Division, have been reassigned, at times, to cover field assignments. NPD has shifted from in-person meetings to mostly online video meetings, leveraging existing technologies. Training has been altered by reducing the numbers of participants allowed at one time in a classroom to maximize social distancing. The use of technology has allowed for the remote monitoring of training by members of the IMT, specifically by broadcasting training through Microsoft Teams and the use of a Microsoft Surface Hub with a large touch screen with built-in intelligence for videoconferencing.

## **GEORGE FLOYD PROTESTS**

During the reporting period, tens of thousands of people across the country took to the streets to protest the death of George Floyd at the hands of Minneapolis Police officers and to protest police brutality. In many cities, these protests led to violent confrontations between protesters and police. Reports of shootings, lootings of stores and acts of vandalism were commonplace in many cities along with reports of police utilizing aggressive tactics to impose order. Newark had a different experience.

NPD responded to forty-four protests during the reporting period. Of the forty-four, two included some level of civil disobedience however; no protests had any level of civil unrest. The largest crowd size in a protest during the reporting period was 12,000 people, with an average size of about 300. There were no incidents of looting, arson, police vehicles burned or officers injured. There were no weapons encountered during the protests. NPD did not use any chemical control agents such as CN/CS/OC Sprays (tear gas). NPD did not use any pepper balls or less lethal ammunition. NPD did arrest three people during the protests.

Although protests in Newark were predominantly peaceful, there were instances where the potential existed for violence to propagate. During these instances, NPD members remained calm in the face of adversity, employed de-escalation techniques and, more importantly, community members came out and collaborated with NPD members to help dissuade any potential for violence and or unrest. NPD's community partnerships, collaboration, and engagement efforts can be credited for these outcomes, and are a testament to their impact and effectiveness here in Newark. NPD remains committed to the reform process, and remains committed to the community.

## **POLICIES**

During the reporting period and in compliance with paragraph 5 of the Consent Decree, the following policies and procedures have been finalized and issued to members of the NPD in collaboration with members from the Federal Independent Monitoring Team, the U.S. Department of Justice, the U.S. Attorney's Office and the Community.

- General Order 03-03 *Information Technology* - updated for paragraph 54 compliance – Effective 9/3/20.
- The new *Stop Report* was issued to members of the NPD – updated for paragraph 52 compliance – Effective 6/16/20.

## **TRAINING**

During the reporting period, NPD has taken steps to integrate new technology and leverage existing systems and technology to improve the training record retention process. The NPD has acquired computer tablets, which have been used to administer all Consent Decree related trainings, and associated tests. The use of the tablets to administer tests automatically creates a

training entry into the PowerDMS system. This electronic record keeping process has been effective at accurately tracking all Consent Decree required training. The auditing of training records has been streamlined as all records exist electronically in a web-based program (Power DMS) that is accessible from any internet-connected computer.

In compliance with Consent Decree paragraph 43, NPD conducted training on Stops, Searches and Arrests for the second time, which began on May 2020. As of October 2020, 472 NPD members were trained.

In compliance with paragraph 63, the NPD began training on Bias-Free Policing to its officers during the reporting period. A renowned independent contractor "Fair and Impartial Policing LLC" (FIP) was selected after an exhaustive selection process. As of October 2020, 591 NPD members were trained.

### **BODY-WORN CAMERA**

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 2020, body-worn cameras have been deployed in all seven Precincts and have been issued to all NPD personnel. By deploying body worn cameras to all NPD personnel, including those at the Command level, the NPD makes a statement in that it believes that the interactions of all of its personnel and the public are a matter of public record. Body-worn cameras have helped improve the quality of public service expected of NPD officers and has promoted legitimacy and a sense of procedural justice.

In an effort to improve officer performance, identify instances where officers abuse their authority and/or commit other misconduct, and recognize officers for a job well done, NPD regularly reviews body worn camera footage. Supervisors at the officer's command conduct video reviews. The supervisors review videos involving stops, searches and arrests. This gives the immediate

supervisor an understanding of how his/her officers are policing and the ability to identify and correct minor issues before they escalate.

All use of force recordings are reviewed by the All-Force Investigations & Tracking Team (“AFIT”). This automatic review process has exposed instances where officers use force that is excessive, but the arrestee does not file a formal complaint. Before this automatic review, instances of excessive force may have gone unnoticed by leadership. Because of these reviews, NPD is able to hold its officers accountable and uphold Division standards. The Office of Professional Standards regularly reviews body-worn camera footage as it relates to complaints made against officers. These reviews help investigators confirm or dispel the allegations made against the officer. In many instances, these reviews have exonerated officers from fabricated or malicious complaints. The Consent Decree and Planning Division regularly reviews body worn camera footage selected randomly for compliance with policies and procedures, including a review of all critical incidents. Body-worn cameras have helped improve the high-quality public service expected of NPD officers and have helped promote the legitimacy and sense of procedural justice that the community has about the NPD.

## **COMMUNITY ENGAGEMENT**

NPD has participated in numerous community engagements during the reporting period. Most engagements have been centered around supporting community members during these difficult times. NPD members have distributed masks, and have distributed educational materials stressing the importance of social distancing and hand washing techniques to help curb the spread of the coronavirus. Precinct commanders host community events where feasible while promoting social distancing, in an effort to foster the partnerships established with community stakeholders such as residents, business owners, faith-based organizations, school employees, social services, and 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 Affairs and Clergy Unit, in collaboration with Precinct CSO's and SRO's, engage further with the community by hosting a number of events. 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. This program has been put on hold, as most schools have been on remote learning. NPD is currently exploring ways in which the G.R.E.A.T. program could be reinstated through remote learning in collaboration with Newark Public Schools leadership.

The following Consent Decree Community Stakeholder Meeting took place during this reporting period:

- A discussion on the Youth Engagement Strategy was held on Thursday, October 1, 2020 from 2:30 p.m. to 4:00 p.m. through a Microsoft Teams video conference with members of the IMT, DOJ and the All Stars Project.

In compliance with Paragraph 18 of the Consent Decree, the CDPD continues to submit the Community Policing Quarterly Report, which is posted to the NPD Consent Decree website, [www.npdconsentdecree.org](http://www.npdconsentdecree.org). The NPD is currently working to finalize the 2020 Third Quarter Report.

## **YOUTH ENGAGEMENT STRATEGY**

During the reporting period, NPD continued its efforts to establish a youth engagement strategy through the development of a guiding document which creates a framework for all officers. The youth engagement strategy will help NPD focus its efforts, and help guide future engagement with youth in a more efficient and consistent manner. NPD collaborated with the All Stars Project of Newark, a national nonprofit that uses a performance-based approach to help tens of thousands of inner city youths. NPD provided a draft Youth Engagement Strategy document to the All Stars Project staff, which, in turn, hosted virtual meetings with eighteen grassroots community organizations including the Newark Street Academy, a program in Newark for disengaged youth, and provided feedback from those meetings. Feedback garnered from the community groups was incorporated into the draft document. Giving the youth a voice in the process of drafting the strategy legitimizes NPD's strategy and galvanizes NPD's commitment to collaborate with the

community in meaningful ways. NPD is finalizing the draft strategy with additional recommendations provided by the IMT Subject Matter Experts.

### **INTERNAL AFFAIRS INVESTIGATOR MANUAL**

On December 28, 2019, prior to the reporting period, NPD assumed the task of re-writing the Internal Affairs Investigator Manual (“IA Manual”). This manual was initially drafted by a private contractor, the Rogers Group, known as certified experts on law enforcement operations, policies and procedures, and hired by the Department of Justice. The initial draft was rejected by the IMT as they found it lacked elements contemplated by the Consent Decree. NPD addressed those concerns and provided a re-draft to the IMT for their review on March 31, 2020. In May of 2020, the IMT SME requested further restructuring and revisions. On May 14, 2020, NPD submitted the updated re-draft for review and approval. On June 29, 2020, the IMT SME’s provided NPD with an eighteen-page table of contents with no other substantive recommendations. To merge the new table of contents with the contents of the existing document, a third re-write of the IA Manual would be required. Training in this area has stalled due to the delays in completing the manual. NPD looks forward to completing the IA Manual with the technical assistance of the IMT SME’s so the development of training for Internal Affairs Investigators could commence forthwith.

### **ARTIFICIAL INTELLIGENCE**

During the reporting period, NPD began an artificial intelligence program in collaboration with IBM and NJIT. To bring this program to fruition investments in technology had to be made in the area of server upgrades. With experts from IBM and NJIT, the necessary hardware was installed at NPD Headquarters. The premise behind this initiative is to allow computers equipped with artificial intelligence and machine learning technologies to review body-worn camera videos recorded by officers. Thousands of hours of police video go unseen, unless there are specific reasons to review the video, such as uses of force, arrests, stops, searches, recovery of contraband evidence, critical incidents or videos selected randomly for review. Recorded police interactions including those “routine” assignments would be ‘flagged’ automatically. Videos are flagged based on algorithms set by programmers. Algorithms would be set to recognize key words, actions, etc. that may point to aggressive behavior. This method, if successful, would streamline the review of videos and flag videos that would potentially go unnoticed as problematic or at least in need of

further review by a supervisor. Currently, only a percentage of those videos are reviewed in compliance with the Consent Decree.

## USE OF FORCE REPORTING

During the reporting period, the NJ Attorney General instituted new requirements for reporting the use of force by police. Through Benchmark Analytics, the NJ Attorney General has created a portal for all law enforcement officers in New Jersey to complete a report on a reportable use of force, submit it to their supervisor(s) for review, and submit it to the Office of the Attorney General. NPD Supervisors will have access to reporting and analytic features. The Essex County Prosecutors office will also have access to these features for NPD officers. This new reporting methodology is systems based, similar to what NPD has already put in place with the IPro Blue Team software.

Due to this change, NPD officers are now forced to duplicate their efforts in the reporting of force incidents, as they have to input the same information into two different systems. NPD is currently exploring ways in which this duplication of effort can be minimized by moving to one reporting platform while meeting Consent Decree requirements and the Attorney General's Guidelines.

It is important to recognize, that the Newark Police Division has and continues to go above and beyond the requirements of Consent Decree and current NJ Attorney General Guidelines. For example; NPD's A-FIT *Team* reviews **all** reported uses of force incidents and supervisor investigations; NPD's Use of Force Review Board also reviews **all** reported uses of force incidents. Additionally, **all** unholstering and or pointing of a firearm as an element of constructive authority are reported and reviewed. This multi-layered and extensive review process of use of force incidents helps ensure that NPD members are compliant with Division policies, procedures, rules, regulations, and the law.

Respectfully submitted,

By:

/s/ Gary S. Lipshutz

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