



# NEWARK POLICE DIVISION GENERAL ORDER



<b>SUBJECT:</b> <b>COMPLAINT INTAKE &amp; INVESTIGATION PROCESS</b>	<b>GENERAL ORDER NO.</b> <b>18-25 (REVISED)</b>
<b>SUPERSEDES:</b> <b>GENERAL ORDER 18-25 (ISSUED 8/29/2019)</b>	<b>DATED:</b> <b>NOVEMBER 15, 2019</b>

**RELATED POLICIES & GENERAL ORDERS:**  
*NJ Attorney General Guidelines- N.J.S.A. 40A:14-181; Adoption of Guidelines for Internal Affairs by a Law Enforcement Agency;*  
*NJ Attorney General Guidelines Internal Affairs Policy & Procedures;*  
*General Order 80-1, Command & Supervisory Responsibilities;*  
*General Order 10-02, Performance Monitoring;*  
*General Order 18-20, Use of Force;*  
*General Order 18-21, Use of Force Reporting, Investigations & Review;*  
*General Order 18-23, Property & Evidence Management;*  
*General Order 18-26, Disciplinary Process & Matrix;*  
*General Order 19-05, IPro & BlueTeam.*

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## **I. PURPOSE**

The purpose of this policy is to improve the quality of law enforcement services to the community. The complaint process is designed to deal with each case factually and fairly. Citizens who file complaints will be treated respectfully and accusations against Police Division members will be taken seriously. All complaints will be investigated fairly and thoroughly, and all findings will be based on impartial information and evidence collected during the investigation.

Public confidence in the integrity of the Newark Police Division increases through establishing meaningful and effective complaint and investigation procedures. This confidence engenders community support for the law enforcement agency. Improving the relationship between officers and the public they serve facilitates cooperation vital to the Police Division's ability to achieve its goals. An effective complaint intake and investigative process will assist in monitoring each Division member's compliance with all applicable policies, procedures, rules, regulations and state laws. Adherence to established policies and procedures assists members in meeting Division objectives, while a monitoring system permits managers to identify problem areas requiring increased training and direction. Finally, this policy will ensure fairness and due process protection to the public and Division members alike.

The Complaint Intake and Investigation process shall ensure that employee misconduct is identified, documented and thoroughly investigated. The investigative process also should help identify and correct unclear or deficient agency policy and procedures. Additionally, the procedures set forth in this policy will identify organizational conditions that may contribute to misconduct, such as poor recruitment and selection procedures, or inadequate training and supervision of Division members.

## **II. POLICY**

Members employed by the Police Division, regardless of rank, shall be subject to disciplinary action for any act of misconduct or any failure to report misconduct.

It is the policy of the Newark Police Division to accept and investigate all complaints of alleged Division employee misconduct from any individual or organization. Complaints of alleged Division employee misconduct may be submitted to any member of the Police Division at any time. Police Division members are required to accept complaints that are presented to them and forward the information to the appropriate authority. With the assistance of the community, the Newark Police Division will focus on modernization and efficiency in an effort to prevent misconduct in the Newark Police Division.

The Office of Professional Standards is the designated unit under the Newark Police Division responsible for investigating, reviewing, tracking, and monitoring all allegations of Division employee misconduct. The Office of Professional Standards is also responsible for assigning Minor Offense complaints to the precinct/command level for completion.

Division members assigned to investigate allegations of misconduct must strive to conduct a thorough and objective investigation without violating the rights of Division members, while displaying proper respect to all members of the public. Accordingly, all personnel assigned to do an internal investigation must be thoroughly familiar with the Division's Complaint Intake and Investigation Process Policy along with New Jersey's Attorney General Guidelines, N.J.S.A 40A:14-181: Adoption of Guidelines for Internal Affairs by a Law Enforcement Agency.



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Adherence to this policy will engender community support for the Police Division and improve relationships between its members and the public they serve.

### III RESPONSIBILITY FOR COMPLIANCE

All Division members shall be responsible for complying with this policy. Command and Supervisory Officers will review, understand, and comply with this policy and shall also ensure that all subordinate personnel read and acknowledge understanding of this order in its entirety.

### IV. DEFINITIONS

- A. **BLUE TEAM** - Computer program used to enter information into IAPRO. BlueTeam shall also be the computer program designated for all complaint intake. Refer to *General Order 19-05, IAPRO & BlueTeam for details.*
- B. **COMMAND RANK OFFICER** - A person with the rank of Captain or above.
- C. **COMPLAINT AGAINST PERSONNEL (C.A.P.)** - Formal Division charge/s made against an employee that have been investigated and sustained, and that result in the filing of a complaint against personnel report.
- D. **COMPLAINT OF EMPLOYEE MISCONDUCT FORM** - Form utilized by members of the public to report Police Division employee misconduct.
- E. **CONFIDENTIALITY** – The principle to ensure that no information pertaining to Internal Affairs matters are disclosed to any other person or entity without proper authorization. All information pertaining to Internal Affairs matters shall be considered restricted information.
- F. **DISCIPLINARY MATRIX** - A uniform guide to impose discipline in a progressive manner for all violations of Division policy. The Disciplinary Matrix is a guide for fairness and consistency. It accounts for seriousness of the infraction, prior disciplinary history of the personnel involved, and aggravating and mitigating circumstances.
- G. **DIVISION POLICY** - The protocol designed to implement the Division's goals and objectives, to ensure all members of the police act and deal with people in a just and transparent manner.
- H. **EXTERNAL COMPLAINT** - Complaints against Division members that are generated by persons who are not members of the Newark Police Division.
- I. **EVENT NUMBER** - Records Management System (RMS) number that shall be obtained for ALL internal or external complaints. This Event Number shall be provided to ALL civilian complainants at the time of complaint initiation. Event numbers shall correspond to Office of Professional Standards Investigation of Personnel (IOP) numbers for tracking purposes.
- J. **IAPRO** - Case management computer program used in tracking and analyzing information such as complaints, charges, hearings, discipline, grievances, firearms discharges, police pursuits, police-involved accidents, use of force, awards, commendations, training, and various monitoring levels of individual employees.



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- K. **INTEGRITY CONTROL OFFICER** - A superior officer assigned to a specific Precinct/Command, who is responsible to the Office of Professional Standards to ensure assigned Commands are complying with the tenets of all Division orders.
- L. **INTERNAL COMPLAINT** - Complaints that are initiated from within the Division that involve violations of Division rules, regulations, policies, procedures or performance deficiencies.
- M. **INVESTIGATION OF PERSONNEL (IOP)** - An objective inquiry into alleged violations of Division rules, regulations, policies or procedures which may lead to formal Division charges.
- N. **INVESTIGATION OF PERSONNEL NUMBER** - Internal tracking number assigned to all internal and external complaints received at the Office of Professional Standards. The IOP number shall correspond to the complaint initiation Event Number.
- O. **MAJOR OFFENSE** – Serious violations of Division rules, regulations, policies or procedures which shall include any criminal violation of Federal or State laws. Serious violations of City Ordinances or Motor Vehicle violations shall also be considered Major Offenses. Major Offenses shall be the subject of a Trial Board. Multiple Minor Offenses, or a pattern of committing similar Minor Offenses, can be used to upgrade a Minor Offense to a Major Offense. This process shall be properly documented. A penalty for a Major Offense violation is more than five (5) working days' suspension at any one time.
- P. **MINOR OFFENSE** – Lower-level violations of Division rules, regulations, policy, or procedures. Examples include demeanor/discourtesy (devoid of profanities or other egregious language), tardiness, uniform violations, low-level neglect of duty incidents and other low-level policy violations. This also includes non-serious incidents of city ordinances or motor vehicle violations (parking/minor moving violations) and not subject to job forfeiture. Minor Offenses shall be the subject of a Disciplinary Conference by Precinct/Division Commanders or Executive Officers. A penalty for Minor Offense violation/s may include up to five (5) working days' suspension at any one time.
- Q. **MISCONDUCT** - Defined as a commission of a crime, offense or violation of Division Rules Regulations, Policies, Procedures or conduct that adversely reflects upon the Division.
- R. **PRELIMINARY INVESTIGATION** - Initial Professional Standards response to matters involving Major Offenses or an investigation to determine if the Division member may have violated a law or Division policy, procedure, rule or regulation during the alleged incident. A preliminary investigation shall include a compilation of facts and evidence to either support or dispel the possible criminal nature and/or policy violation of an incident.
- S. **PREPONDERANCE OF EVIDENCE** - The standard used in determining guilt or innocence at a Disciplinary Conference or Trial Board, specifically: a rational reference or belief based on objective facts and/or circumstances found to exist upon inquiry, which would induce a reasonably intelligent and prudent person to believe that it is more probable than not that a certain act occurred. The standard is met if the proposition is more likely to be true than not be true.



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- T. **UNAUTHORIZED DISCHARGE OF FIREARMS** - Any deviation in the use of firearms from the standards and policies established under the following: Newark Police Division Rules and Regulations or written policy, the Attorney General's Guidelines in the Use of Force, and the Use of Deadly Force by Law Enforcement Personnel, as defined under New Jersey Criminal Statutes.
- U. **45-DAY RULE** - Disciplinary charges alleging a violation of Division rules, regulations, policies or procedures must be filed within 45 days of the date the person filing the charge/s (Public Safety Director) obtained sufficient information to do so.

### V. **PREVENTION OF MISCONDUCT**

The vast majority of Division members undertake their work applying the highest ethical and professional conduct, but the fact remains that misconduct continues to be a recurring problem in law enforcement. The Division will seek best practices in recruiting ethical applicants. It also will implement strategies to deal with misconduct by existing personnel, while ensuring that risk-reduction strategies and early warning and intervention systems are in place for internal accountability. The Division will undergo a cultural change by implementing components, such as a system of accountability, effective leadership, enhanced supervision and sharing our vision with the community.

### VI. **COMMUNITY OUTREACH**

Commanding officers, Supervisors, and police officers should remain dedicated to building community partnerships with residents, business owners, and those that visit the City of Newark. By listening carefully to people about their concerns and responding to those concerns, the Division can build community trust and increase peoples' confidence in the police.

The disciplinary process will be publicized and clearly explained in regularly scheduled meetings with the community.

### VII. **ALLEGATIONS OF MISCONDUCT**

- A. Misconduct is defined as any commission of a crime or offense, violation of Division Rules, Regulations, Policies, Procedures or conduct that adversely reflects upon the Division. Allegations of misconduct can stem from internal or external complaints.
- B. The Police Division requires all members to promptly report allegations of criminal behavior or administrative misconduct by another Division member to a Supervisor, or directly to the Office of Professional Standards for review and investigation. When a Supervisor receives such allegations, the Supervisor will promptly document and report this information to the Office of Professional Standards. Failure to report or document such allegations will be grounds for discipline, up to and including termination of employment. The presumptive discipline for any member, Supervisor, or Commander for a failure to report an allegation of criminal behavior or administrative misconduct will be commensurate with the presumptive discipline for the underlying misconduct.
- C. All Division members shall immediately notify their respective Command Desk Supervisor any time they are arrested or detained for any crime or offense, (on or off duty), including Disorderly Persons or Petty Disorderly Persons offenses (In-State or Out-of-State). Desk Supervisors shall immediately notify their



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respective Commanding Officer via telephone and work e-mail, who in turn shall notify the Public Safety Director. Where Division members do not have an available on-duty Desk Supervisor or Squad Supervisor, the notification shall be made directly to a Supervisor at the Central Communications Division, (CCD) who in turn will make immediate notification to the Public Safety Director and OPS.

- D. All allegations of misconduct shall be carefully and thoroughly reviewed by the Public Safety Director and Professional Standards Commander to determine the manner of response that best serves the public and members of the Police Division.

### **VIII. OFFICE OF PROFESSIONAL STANDARDS (OPS)**

- A. The Office of Professional Standards (OPS) shall consist of those members of the Division assigned by the Public Safety Director.
- B. The goal of the OPS is to ensure that the integrity of the Police Division is maintained through a system of internal accountability, where fairness and justice are ensured by objective, thorough and impartial investigations and reviews.
- C. The OPS is responsible for investigating and reviewing all allegations of misconduct by members of the Division. The OPS shall also assign investigations of a minor nature to the precinct/command level for completion. In addition, the OPS shall be responsible for coordinating investigations involving the discharge of firearms by Division personnel with the Essex County Prosecutor's Office, Professional Standards Bureau (ECPO/PSB).
- D. OPS personnel may conduct an investigation on their own initiative, at the direction of the Chief of Police, the Public Safety Director, or OPS Commander.
- E. OPS personnel shall have the authority to interview any member of the Police Division and to review any record or report relative to their assignment.
- F. The OPS shall investigate as a misconduct complaint **any** information or testimony arising in criminal prosecutions or civil lawsuits that indicates potential employee misconduct not previously investigated by the Newark Police Division.
- G. The OPS, and specifically the person assigned to investigate the allegations of misconduct, shall keep the complainant, or the complainant's parent or guardian (if complainant is a minor) informed of the status of the investigation and its ultimate disposition (*See* Section IX, subsection L).
- H. The OPS, through a database-type police management tool, Early Warning System (EWS) shall identify Division members who demonstrate any at-risk behavior, training deficiencies or indicators of stress by means of an examination of various risk factors, such as rate of citizen complaints, use of force incidents and other performance indicators. Although not a substitution for the disciplinary system, the EWS's principal aim is to identify and remedy problems before negative conduct escalates.
- I. Personnel assigned to the OPS should be energetic, resourceful and committed to the agency's mission and the complaint intake and investigation function. They must be knowledgeable in the



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elements of criminal law, court procedures, rules of evidence, use of technical equipment and the disciplinary and administrative law processes.

- J. Division members with a sustained complaint of, or who have been disciplined for, excessive use of force, false arrest, unlawful search and seizure, sexual harassment, discrimination, or dishonesty will be ineligible for assignment to the OPS.
- K. The OPS shall maintain a comprehensive central file on all complaints received by the Division, whether investigated by OPS or those assigned to the precinct/command level for investigation and disposition.
- L. The OPS shall be responsible for assigning and maintaining Investigation Of Personnel (IOP) numbers on all received complaints for investigative tracking purposes. **\*Note:** Any internal or external complaint taken or accepted throughout the Division must also have an Event Number generated at the time of complaint initiation.
- M. The OPS shall prepare **monthly reports** addressed to the Chief of Police and Public Safety Director, summarizing the nature and disposition of all misconduct complaints received by the Division. Additional reports may be required at the discretion of the Public Safety Director.

This monthly report shall include the name of the subject officer(s), the allegation, and the name of the complainant and complaint characteristics that may signal systematic misconduct by any member of the Division. This monthly report shall be considered confidential work product, and dissemination is limited to only Division Command Staff and Essex County Prosecutor's Office.

- N. The OPS shall prepare **quarterly reports** that summarize the nature and disposition of all misconduct complaints received by the Division. The quarterly report shall be sent to the Public Safety Director's Office and the Essex County Prosecutor's Office.
- O. The OPS shall also **post monthly reports** to the Newark Police Division website summarizing sustained investigation dispositions with discipline of 5 days' suspensions or more. There will be no direct information in these monthly reports identifying the names of Division members or complainants.
- P. An **annual report** summarizing the types of complaints received and the dispositions of the complaints shall be posted via Police Division website.
- Q. The OPS Commander shall ensure monthly contact with ECPO/PSB personnel to obtain written updates regarding open criminal investigations of Division members. This update will ensure that the Office of Professional Standards is notified of any case in which the ECPO/PSB declines to pursue a criminal investigation against a member of the Police Division. Cases that are no longer under ECPO review/investigation shall be immediately assigned to an OPS investigator for a proper administrative investigation. A 30-day due date shall be assigned to the returned investigation.
- R. The OPS shall be responsible for planning and executing regular, targeted and random internal compliance reviews and integrity audits to ensure compliance with NPD policies, constitutional policing and deterrence of theft.
- S. All reports and information pertaining to the business of the OPS and internal investigations shall be considered confidential. No persons assigned to the OPS shall disseminate any reports or information to any person or entity without proper authorization from OPS Commander.



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- T. OPS shall also be required to notify the ECPO/PSB of the following matters concerning Division members:
1. Any finding that a police officer or supervisor has filed a false report, submitted a false certification, or given false testimony in any criminal, administrative, employment, financial or insurance matter in his/her professional or personal life.
  2. A pending court complaint or conviction regarding criminal, disorderly persons, petty disorderly persons, municipal ordinance or driving while intoxicated matter.
  3. A finding that undermines or contradicts a police officer's educational achievements or qualifications as an expert witness.
  4. A finding of fact by a judicial authority or administrative tribunal that concludes that a police officer/ supervisor intentionally did not tell the truth in a matter.
  5. A sustained finding that a police officer intentionally mishandled or destroyed evidence.
  6. A sustained finding that a police officer demonstrated bias against an individual based on race, gender, ethnicity, nationality, or sexual orientation.
- U. To ensure that Division members meet NPD's high ethical and moral standards, the OPS Commander, or his/her designee, shall forward the results of any theft investigation to the subject officer or Supervisor's Division Captain. Additionally, the OPS Commander, or his/her designee, shall forward the results of any sustained investigations relating to the credibility, honesty and integrity of an officer or Supervisor, including, but not limited to (1) false statements or reports, (2) neglect of duty concerning missing/lost property or evidence, and/or (3) any judicial/court determinations questioning the credibility of an officer or Supervisor to the subject officer or supervisor's Division Captain.
1. The OPS Commander/designee shall ensure that affected Division Captains conduct comprehensive disciplinary history reviews of personnel who routinely handle or have access to valuable contraband, cash, property or evidence. OPS shall refer to '*General Order 80-1, Command and Supervisory Responsibilities,*' specifically *Sections V and VI* for additional details regarding disciplinary history reviews.
  2. The OPS Commander/designee shall also be cognizant of officer or Supervisor disciplinary histories that contain not-sustained investigation patterns or trends which may relate to an officer or Supervisor's credibility, honesty or integrity. Disciplinary histories that contain not-sustained investigation patterns or trends relating to an officer or Supervisor's credibility, honesty or integrity shall also cause a command level disciplinary history review.
  3. Upon completion, the affected Division Captain will document his/her findings, and submit them to their assigned bureau's Deputy Chief for review and evaluation.
  4. Deputy Chiefs shall be responsible for reviewing, evaluating and forwarding the results of disciplinary history reviews with supporting documentation to the OPS.
  5. The OPS Commander/designee shall assess disciplinary history reviews for accuracy and completeness. Incomplete or deficient disciplinary history reviews shall be returned to the Division Captain for revisions. Deputy Chiefs shall be copied on the returned incomplete or deficient disciplinary history.
  6. In any instance where a disciplinary history review reveals a reasonable grounds for concern about an officer's ability to meet the Police Division's high ethical and performance standards, supported by evaluation and documentation, the OPS Commander/designee shall forward a report to the Public Safety Director advising him or her of same.





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### IX. COMPLAINT INTAKE PROCESS

The Newark Police Division shall accept ALL complaints, whether made orally, in writing, in person or by mail, telephone (or TDD), facsimile, electronic mail, website or any other means. **At no time shall any person be forced or compelled to provide information or provide a statement to initiate a complaint.**

All Division members, regardless of rank, are directed to accept complaints. Supervisors shall be the preferred method of complaint intake; however, **all Division members have the responsibility of accepting complaints in the absence of an available Supervisor.**

All complaints made against Division personnel shall be accepted regardless of where or when they occurred or where they are being filed within the Division. **At no time shall a complainant be turned away or instructed to respond to another Precinct/Command unless directed to do so by a member of OPS. Persons shall never be dissuaded or discouraged from filing a complaint.**

**Retaliation by Division members in any manner against a person for filing a complaint or for participation in a complaint or investigative process will not be tolerated.** Retaliation can take many forms, including but not limited to the malicious filing of a criminal or civil action, threats or harassment in any form, undertaking any adverse action against any person involved in a complaint, or decisions affecting an employee's hiring, promotion or assignment. Such retaliation may result in criminal action against an offending Division member and/or constitute separate grounds for significant disciplinary action.

An employee of the Police Division who interferes with, delays or conceals the reporting or investigation of such complaints shall be subject to disciplinary action up to and including termination. Furthermore, all employees shall be mindful that all information related to a misconduct complaint is considered confidential. No employee shall disseminate any internal reports or information from a misconduct complaint to any person or entity without proper authorization from the OPS Commander/designee. Breaches of this confidentiality shall be considered a serious violation of Division policy.

All internal or external complaints, no matter the manner in which they are received, shall be entered into BlueTeam and forwarded through the Chain of Command to OPS (in the absence of BlueTeam, complaints shall be filed on an Investigation of Personnel report). Sworn Division members (police officers/supervisors) shall be directed to make internal and external complaints via BlueTeam entries.

All internal or external complaints shall have an Event Number assigned at the time of complaint initiation. Division personnel accepting an external complaint or making an internal Division complaint shall obtain an Event Number from the CC Division. CCD personnel shall be provided a brief explanation of facts for assignment commenting purposes. The Event Number shall be provided to all person/s making an external complaint at the time of complaint initiation. Complainants shall be advised that as soon as the complaint is accepted, the investigation process is initiated.

The Event Number will correspond to the IOP number drawn at OPS after the complaint is forwarded through channels via BlueTeam.

#### **All Division Members And Employees Are Required To Adhere To The Following:**

- A. Personnel shall obtain information to determine if the offense alleged to have occurred is a Major or Minor Offense. \*For Major Offense complaints, refer to Section X of this Order.



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- B. If a Division member believes a situation warrants a complaint to be made against another member of the Division of equal rank or higher, they shall submit an Administrative Report (DP1:1001) to their Commanding Officer. This report shall detail the circumstances of the incident. The Commanding Officer, once in receipt of a report detailing a complaint against a Division member of equal or higher rank, shall immediately notify the OPS Commander/designee. The OPS Commander/designee shall be responsible for making an immediate notification to the Public Safety Director and Chief of Police. The matter shall be assigned to an OPS investigator for proper and complete investigation.
- C. The following are multiple avenues for complaint intake:
1. **In-Person:** Persons may file a complaint in-person at any police facility. If a Supervisor is not available to accept the complaint, then any Division member shall accept the complaint. In addition, persons may drop off a ‘**Complaint of Employee Misconduct**’ form to any police facility. The forms shall be accepted by all personnel, at all times. Persons submitting a complaint shall not be forced or compelled to provide any additional information, unless they are willing to do so. Complaint of Employee Misconduct forms will be available at all police facilities, City Hall/Council Offices, public libraries and community centers.
  2. **By Telephone:** All complaints against Division personnel shall be accepted over the telephone at any police facility.
  3. **At Home or the location where the incident occurred:** Complainants also may request that a Supervisor respond to their location to take a complaint by calling any police facility. Division personnel fielding a telephone call for a home response shall ensure that CCD is notified, and an Event Number is generated for the complaint a proper response by OPS.
  4. **Online:** The complaint intake process is accessible through the Newark Public Safety website, <https://npd.newarkpublicsafety.org/professionalstandards>. Complaint forms submitted through the website are electronically sent to OPS.
  5. **By Mail:** Complaints will be accepted by U.S. mail. Complainants can either mail the Complaint of Employee Misconduct form, or mail a handwritten or typed letter to the address below. Complaints also shall be accepted by facsimile at the number below.
    - a. Mailing address: Office of Professional Standards, 494 Broad St., 1<sup>st</sup> floor, Newark, New Jersey, 07102;
    - b. Facsimile: 973.353.8469.
  6. **Complaint Drop Box:** In addition to the filing of a Complaint of Employee Misconduct form as noted in Subsection 1 above, persons wishing to file complaints against Division employees may submit a complaint form via designated drop boxes. The drop boxes shall be clearly identifiable as *Newark Police Division; Office of Professional Standards* and shall be used solely for the purpose of receiving complaints. They shall be located for complainant submissions at all Division Precincts, Special Operations Division, the Office of Professional Standards and City Hall/Council Offices.

Complaint drop boxes shall be monitored, and complaints processed on a daily basis for all affected Commands as noted above. In addition, OPS shall be responsible for any offsite (non-



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Division facility) complaint drop box locations. Offsite locations shall be checked at least twice per week. OPS shall be responsible for processing any complaints submitted at offsite locations. Commanders shall be held accountable (face disciplinary action) for failure to monitor complaint drop boxes and process complaints.

When a community member utilizes the complaint drop box without requesting further assistance, it shall be the responsibility of the precinct Commander to draw Event Numbers for each submitted Complaint of Employee Misconduct form (or other written/typed complaint submission) and forward it to OPS.

OPS shall be responsible for the tracking of complaints received via the Complaint Drop Boxes and shall submit a report to the Office of the Public Safety Director by the 5<sup>th</sup> of each month detailing the previous month's statistics to include the following:

- a. Number of complaints received from each Command;
- b. The type of complaints received;
- c. Whether complainant is anonymous

- D. All Division members accepting, receiving or made aware of a complaint shall obtain all relevant information from whatever source the complaint is received, or from a willing complainant. All internal or external complaints shall be forwarded through the Chain of Command via BlueTeam. Commanders shall forward complaints via BlueTeam to OPS for review, processing and assignment.
- E. In the event of an unwilling or apprehensive complainant, obtain any information the complainant is willing to provide. **No person/s shall be forced or compelled to provide information.** The following minimum standards shall be adhered to for proper complaint intake.
  1. Division members accepting external complaints should obtain all necessary complainant contact information including name, address and telephone number/s. If the complainant prefers e-mail or social media contact, Division members shall obtain this information as well;
  2. Obtain location of incident with date and time of occurrence;
  3. Obtain all pertinent details surrounding the complaint and document same;
  4. Obtain any witness information (civilian/Division/outside agency, etc.) including names, addresses and telephone numbers;
  5. Enter the Event Number associated with the complaint and any corresponding Event, Central Complaint, Central Arrest numbers or additional corresponding report/tracking numbers;
  6. Upon completion of above actions, enter the complaint into BlueTeam and forward same through the Chain of Command;
  7. Provide the complainant with an OPS pamphlet describing the Internal Affairs process. Pamphlets are available in English, Spanish and Portuguese. Persons should be encouraged to familiarize themselves with the information as it will assist in explaining the complaint intake/investigation process;



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8. Internal complaints shall be documented in the same manner with the exception of obtaining civilian complainant information.
- F. Division members accepting complaints shall ask complainants or witnesses if they have any supporting documentation, photographs/videos or evidence to submit. Any reports, documentation, photographs/videos shall be documented in BlueTeam. The items shall be submitted with the complaint and forwarded to the OPS accordingly. Other physical items of an evidentiary nature shall be recorded in BlueTeam and preserved in accordance with established Division policies; *Refer to Property & Evidence Management General Order 18-23*, unless otherwise directed by OPS.
- G. Police Aides and other civilian members of the Division are directed to accept complaints in the absence of a police Supervisor or police officer and are required to adhere to all tenets of this Order. However, after accepting a complaint, the information, documents, and evidence shall be provided to the on-duty police Supervisor, or in his/her absence to an on-duty police officer for submission into BlueTeam. CCD call takers shall ensure all civilian complaints against personnel are routed to the Computer Aided Dispatch, (C.A.D.) system with an attached Event number. Anonymous complaints, or complaints against CCD personnel shall be immediately forwarded to a CCD Floor Supervisor. CCD dispatchers shall ensure that Field Supervisors are promptly notified of any civilian complaints against personnel. All pertinent details of the complaint and complainant shall be provided to the Supervisor.
- H. In the case of an anonymous complaint, the Division member accepting the complaint shall gather as much information as possible. Anonymous complaints shall be accepted, and anonymous complainants shall not be required to reveal their identity. In addition, persons wishing to remain anonymous shall be permitted to drop off a complaint of employee misconduct form to any police facility. The complaint shall be processed via BlueTeam and forwarded to the OPS accordingly.
- Event Numbers shall be obtained for any anonymous complaint and provided to the complainant if he/she consents to remaining on scene while it is obtained. Anonymous complainants shall not be compelled to standby for an event number.
- I. The Newark Police Division shall also accept third-party complaints, (complaints made on someone else's behalf) and complaints from unaccompanied juveniles.
- J. **If the complainant does not speak English**, the Division member accepting the complaint **shall** attempt to have an on duty officer fluent in the complainant's native language respond. If an officer/interpreter is not available to meet the complainant within a reasonable amount of time, the Division member shall contact the Language Line at 1-800-664-1171 for interpretation services. \*Personnel are directed to contact the CCD for the specific Newark Police Division password.
- K. The complainant shall be advised that his/her complaint will be forwarded to the OPS for processing, review and assignment. The complainant shall be further advised that within a few days they will receive a Contact Letter providing the investigator's name, telephone number and IOP number. OPS contact information shall be provided, 973.733.6171. The complainant shall also be advised that he/she will be contacted by an investigator once the complaint is processed and assigned.
- L. Division members accepting complaints shall also explain the Division's disciplinary process and shall advise the complainant that he/she will be kept informed of the status of the investigation and its ultimate disposition.



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- M. Division members accepting a complaint **shall not** ask or otherwise inquire about a complainant's immigration status.
- N. Misconduct complaints not involving City of Newark Police Division employees **or** complaints against Division employees where the complainant expresses fear or concerns can be directed as follows:
1. When a person makes a complaint about a member of another law enforcement agency, he or she should be referred to and provided contact information for that officer's agency. Persons who wish to file a complaint against NPD personnel, but are reluctant to do so within the Division, shall be directed to the ECPO/PSB. This includes persons who have any evidence associated with a complaint.
  2. Complainants shall receive an Event Number when they receive a referral to another municipality or agency including the ECPO/PSB. The Event Number shall also contain in the narrative portion of the comments which municipality or agency the complainant was referred to.
  3. When a complainant is directed to another agency, the Division member making the referral shall record the complainant's basic information (name, contact number, etc.), the complaint alleged, and any associated evidence. **The information shall be documented on an Administrative Report (DP1:1001)** and forwarded to their Commanding Officer. If the person making the complaint does not wish to provide personal information, or wishes to remain anonymous, this shall be documented. The Commanding Officer shall forward a copy of the report to the OPS for review and filing.
  4. The OPS will forward the complaint information to the agency to which the complainant was directed.

### **X. MAJOR OFFENSE COMPLAINTS**

- A. Major Offense complaints are those complaints of a serious or egregious nature. The level of seriousness of an alleged policy violation is dependent upon the specific facts of an incident. Employees shall consider the totality of the circumstances and apply common sense when determining if an alleged incident is a Major or Minor Offense. In the field, the highest ranking On Duty Supervisor shall determine the level of seriousness and shall make prompt notifications to OPS, (via CCD) when and where appropriate. Refer to sub section B below for specific Major Offense incidents.

The OPS Commander/designee and the ECPO/PSB shall be immediately notified in the following circumstances:

1. When preliminary investigative data indicates the possibility of a criminal act on the part of a Police Division member. No further action shall be taken by Division personnel until directed to do so by the ECPO/PSB.
2. Firearms Discharges, on duty and off duty;
3. When preliminary investigative data indicates a use of force resulting in serious bodily injury or death or vehicular pursuit resulting in serious bodily injury or death. This shall include serious bodily injury or death in any manner to any in-custody persons.



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Personnel shall be guided by *Use of Force G.O. 18-20* and *Use of Force Reporting, Investigation and Review G.O. 18-21* regarding all responsibilities pertaining to use of force incidents. It shall be the ECPO/PSB's responsibility to investigate any use of force incident involving death or serious bodily injury to a person; where deadly force is employed with no injury; where any injury to a person results from the use of a firearm by a member of the Newark Police Division or any other agency within the City; or vehicular pursuits resulting in serious bodily injury or death. This provision refers to all incidents occurring while a Division member is acting in the performance of official duties/off-duty or exhibiting evidence of his/her authority. ECPO will investigate use of force incidents without involvement from the Newark Police Division unless otherwise requested by the Prosecutor's Office through the Chief of Police or the Public Safety Director.

4. If at any time during the course of any incident or investigation an investigator/Supervisor/officer believes that criminal conduct occurred, the Division member shall ensure immediate notification to the OPS Commander/designee. The OPS Commander/designee shall notify the Public Safety Director and the Chief of Police accordingly. The investigation shall be referred to the ECPO/PSB, the Department of Justice or other law enforcement agency as appropriate. The investigation shall be halted until the appropriate agency releases the investigation or a court decision is rendered.
- B. During the complaint intake process, Division members below the rank of Sergeant will contact their immediate Supervisor to determine and confirm if a complaint is a Major Offense. If a complaint alleged is determined to be a Major Offense, the OPS shall be immediately notified via CC Division.

After normal business hours (0800 to 2400 hours, Monday through Friday), and on weekends, the OPS Commander/designee shall be notified via CC Division Supervisor. The OPS Commander/designee will determine if an on-call OPS investigator should be notified to respond to the scene. If approved to do so, the CC Division Supervisor shall notify the on-call OPS investigator, who shall promptly respond to the scene to conduct a preliminary investigation. OPS personnel shall advise on scene officers if they are responding.

Examples of Major Offenses shall include, but not be limited to acts and/or allegations of:

1. Arrest of Division member or criminal allegation against a Division member;
2. Excessive, unreasonable or unnecessary uses of force, or use of force incidents with serious bodily injury or death;
3. Vehicular Pursuit with serious bodily injury or death;
4. Improper/unlawful arrest;
5. Improper entry/improper search;
6. In-Custody serious bodily injury or death;
7. Allegations of theft of property or evidence;
8. Domestic violence;
9. Insubordination;
10. Allegations of sexual harassment;
11. Allegations of sexual assault
12. Allegations of bias, intimidation, or differential treatment;
13. Intoxication on duty;
14. Sleeping on duty;
15. False statements/dishonesty



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16. Serious or egregious matters involving neglect of duty or failure to act;
  17. Any other complaint designated by the Chief of Police or Public Safety Director.
- C. Persons involved in a Major Offense incident shall be provided immediate necessary assistance, including medical care, social or family services, etc. In addition, complainants involved in a Major Offense incident shall be afforded all necessary and reasonable assistance throughout the investigative process.
- D. On a Major Offense scene the Division member/s shall properly secure the scene ensuring that all potential evidence is maintained until ECPO/PSB or NPD OPS responds. Notifications shall be made to Crime Scene Unit as necessary and at the direction of NPD OPS. **No scenes shall be processed by any personnel until ECPO or NPD OPS responds.** All witnesses shall be asked to remain at the scene when feasible.
- E. OPS investigators shall assume responsibility for any preliminary investigative work upon their response. All other Division members will defer work responsibilities accordingly. **All on-scene or involved Division members shall fully cooperate and follow guidance and directives from ECPO or NPD OPS personnel as though the directive came directly from the Public Safety Director.**
- F. If there is no ECPO or NPD OPS response to the scene, all documentation and evidence shall be gathered and submitted at the direction of OPS. All pertinent information shall be entered into BlueTeam as outlined in Section IX above and submitted accordingly.
- G. Complainants will not be subjected to a lengthy wait time for OPS personnel to assist in the complaint process. Complainants shall be promptly advised concerning on-call response situations.
- H. **Immediate notifications** shall be made to the ECPO/PSB in matters of police involved firearms discharges, uses of force with serious bodily injury or death, vehicular pursuits with serious bodily injury or death, and in-custody serious bodily injury or death.

### **XI. COMPLAINT CLASSIFICATION AND ASSIGNMENT**

- A. The OPS Commander/designee shall make all final determinations on whether complaints against Division personnel are classified as **Major or Minor Offenses**.
- B. The OPS Commander/designee shall be responsible for assigning complaints to the appropriate OPS investigators. When assigning OPS-level investigations, the OPS Commander or designee shall be mindful of investigator workload and seriousness of complaints in determining a fair and equitable distribution of investigations. The Police Director or Chief of Police will not be authorized to personally conduct an investigation of officer misconduct or violation of policy, or to prevent such an investigation.
- C. Complaints of minor rule infractions may be investigated at the precinct/command level unless the OPS Commander/designee deems otherwise. Complaints shall not be assigned to the subject officer's immediate Supervisor, nor shall any investigation be conducted by a Supervisor or officer who authorized, engaged in conduct that led to, or otherwise participated in the incident complained of; who was on the scene at the time of the incident; or who has a conflict of interest as defined by DPS Memo 18-354.



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- D. The OPS Commander/designee shall also determine which complaints will be handled by a precinct/command Integrity Control Officer (ICO).
- E. All anonymous complaints received at the OPS shall be reviewed by the OPS Commander/designee and assigned to the proper investigator. Once assigned, the investigator shall make every effort to fully investigate the matter, including contacting the complainant to obtain further information.
- F. Complaints received from online sources or via the Newark Public Safety website are securely transferred to the OPS. The OPS Commander/designee will determine whether the complaint should be handled at the precinct/command level or within OPS. Every effort shall be made to contact the complainant to schedule an interview and obtain additional facts about the complaint.

### **XII. COMPLAINT INVESTIGATION**

- A. OPS will assign and forward investigations via BlueTeam, including to the precinct/command level. Affected Commanders shall promptly acknowledge receipt and assign investigations to supervisors within their command. Upon completion, investigating Supervisors shall upload and link the completed investigation and any supporting documentation and photographs via BlueTeam and forward to his or her Commander. Upon completion of his/her review and approval, the Commanding Officer shall forward the completed investigation to OPS via BlueTeam. Hard copies of investigations with associated documents and materials shall be forwarded via the Chain of Command to the OPS using established Division guidelines.
- B. **All internal or external allegations, including anonymous allegations of misconduct shall be thoroughly investigated to their logical conclusion.** During the investigative process, Division members assigned to investigate these complaints shall be mindful of the following investigative responsibilities:
  - 1. All investigations shall be completed by the required due date provided by the OPS Commander/designee. Due dates are 30 days from receipt for OPS investigators and 45 days from receipt for precinct/command level investigations. Investigations returned from the ECPO/PSB shall have an assigned 30-day due date. Investigators shall submit an Administrative Report at least 5 days prior to due date requesting extensions. The report shall explain the reason for an extension request.
  - 2. Upon receipt of investigation, contact letters shall be sent to the complainant and subject officer(s). Letters shall contain investigator name, rank, identification number and return contact information. The letter shall also include the Investigation of Personnel (IOP) number (assigned by OPS), and the corresponding Event Number. In addition, complainants and subject officers shall be notified if there are potential criminal allegations surrounding the complaint.
  - 3. Major Offense Complaints (OPS) will be completed on a DP1:1001, Administrative Report, utilizing the standard OPS format.
  - 4. Minor Offense Complaints will be completed on a DP1:1005, Administrative Investigation Report, unless handled by OPS investigators, who shall utilize the standard DP1:1001.
  - 5. Investigators shall make **all reasonable attempts** (telephone calls/home visits/e-mail, etc.) to contact complainants within two (2) days of receiving the investigation to obtain additional information and to schedule a follow-up recorded interview. All interviews and interactions with





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complainants and witnesses shall be documented in the investigative file and recorded in chronological order. This documentation shall include all attempts to contact the complainant, including telephone calls, home visits, e-mails, etc.

6. All investigations assigned to the OPS shall have **audio or video-recorded interviews/statements** with Division members, complainants and witnesses. All investigations assigned to the precinct/command level should have their respective interviews/statements audio or video recorded when feasible. When available, body-worn cameras shall be utilized to record the interview/statement. If requested, per *NJ Attorney General Guidelines*, officers and Supervisors shall be permitted to have a representative present during administrative interviews. In addition, civilian complainants or witnesses, if requested, shall be permitted to have an uninvolved support person present during interviews or statements. The officer representative or civilian support person shall not be permitted to unduly interfere with the interview or statement.

Non-members who refuse to submit to a recorded interview shall be afforded the opportunity to review the investigator's summary of their statement for purposes of accuracy and completeness.

7. Gather **all evidentiary items** relative to the investigation, including, but not limited to, all operational reports, ledgers, records, audio/video surveillance (Division, outside agency, or private sources), photographs, physical evidence and any other information necessary to complete the investigation.

All information, documentation and evidence obtained during the investigation shall include a summarized explanation (synopsis of report/evidence, how/why obtained, investigative relevance or significance, etc.) and inputted into the investigative file in a chronological order with date and time of discovery. Physical evidence shall be submitted in accordance with Division policy and at the direction of OPS. Reports, documents, written records, photographs and copies of same shall be submitted with the investigation (DP1:1001/DP1:1005).

8. There shall be **no criminal history checks** of a complainant or witness unless such information would be relevant to the allegations under investigation. When criminal history checks are conducted, Division investigators shall document the justification in the investigative file. In addition, Division investigators will **not give Miranda Warnings** to complainants or witnesses prior to or during non-custodial interviews. If a complainant's allegation arises from a criminal arrest, investigators shall communicate with the complainant's criminal defense attorney.
9. If a complainant pleads guilty or is found guilty of an offense or crime, investigators will not consider the fact of conviction to be the sole evidence or determining factor of whether a Division member engaged in misconduct, nor will it justify discontinuing the investigation.
10. Investigators will consider patterns in officer behavior, based upon disciplinary history and other information in NPD's Early Warning System. These considerations shall include any identifiable modus operandi of officer actions or similar investigative fact-patterns.
11. **The investigator will finalize his/her investigation after he/she has obtained all of the necessary information, facts and evidence relative to the complaint in order to form a logical conclusion.** The investigator shall be aware that the standard of proof in an administrative investigation is Preponderance of the Evidence, not the more stringent standard of proof 'Beyond A Reasonable Doubt'.



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The findings section of the investigator's report shall include a **narrative summary of all information, facts and evidence** relative to the complaint. **The investigator will explain his/her rationale in determining the appropriate disposition.** Investigators should avoid editorializing when drawing investigation conclusions, and shall base their conclusions/findings on the facts, information and evidence revealed and presented during the investigation.

In cases involving a Sustained Complaint, the investigator shall cite the appropriate Division Rule or Regulation and/or specific provision violated in a given General Order or Memorandum.

12. Possible dispositions include the following:
  - a. **EXONERATED**: - The alleged incident did occur, but the actions of the Division member were justified, legal and proper.
  - b. **SUSTAINED**: - The investigation disclosed sufficient evidence by a Preponderance of the Evidence that the actions of the Division member violated a provision of rules, regulations, policy or procedures.
  - c. **NOT SUSTAINED**: - The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.
  - d. **UNFOUNDED**: - The alleged incident did not occur or did not involve the alleged Division member.

In matters involving firearms discharges, investigators shall make a finding of **JUSTIFIED** or **NOT JUSTIFIED**. These determinations will also be based on all information, facts and evidence revealed and presented during an investigation.

13. An investigator will not make a finding that an allegation of misconduct is unfounded, not sustained or exonerated simply because the complaint is withdrawn or the complainant is unavailable, unwilling or unable to cooperate with an investigation, or refuses to provide medical records or proof of injury. (For example, in matters where an allegation of domestic violence or other assault has been made.) If any of the aforementioned situations arise, the investigator shall continue as necessary to resolve the original allegation/s where possible, based on the evidence, investigatory procedures and techniques available.
14. During the course of an investigation if it is determined that a Division member violated any provision of the Newark Police Division's Rules and Regulations, Policies or Procedures the assigned investigator **shall**:
  - a. Prepare a Complaint Against Personnel report (CAP) identifying the Division member by name, identification number and Command.
  - b. Specify the time, date and location of the violation.
  - c. Complete the narrative portion of the report citing the specific Division charge/s from the Police Division Rules & Regulation manual. In addition, the investigator shall record a Specification to each charge which details how the Division member specifically violated



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the rule, regulation, policy or procedure. General Orders, Memorandums shall be cited in the Specification section. There may be multiple Specifications to each Charge.

- d. The CAP report/s shall be attached with the investigation and forwarded to the OPS Commander/designee for review and approval. OPS will draw the respective CAP number.
  - e. The assigned investigator will close out the investigation with a Sustained disposition and recommend the matter be referred to a Trial Board Hearing.
15. If a misconduct complaint is Sustained against a Division member and it is determined that formal charges will be filed, the Advocate Unit will prepare formal Charge document/s which shall be forwarded to the Public Safety Director without delay for his/her review and approval signature. The Advocate Unit will then formally serve upon the affected Division member the formal charge documents. Disciplinary procedures are outlined in *General Order 18-26, Disciplinary Process and Matrix*.
16. At the conclusion of the investigation, and upon determination of one of the aforementioned dispositions, the investigator shall submit a Disposition Letter to the complainant and involved officer(s). If the allegation was Unfounded, Not Sustained or the officer Exonerated, the civilian disposition letter shall include a brief explanation specifically defining how the conclusion for the disposition was reached.
- If the allegation was Sustained, the complainant notification letter shall only state that the allegation was Sustained, and that the officer will be disciplined according to NPD policy.
17. Upon the conclusion of an investigation conducted by OPS, the OPS Commander/designee shall review the investigator's Disposition Form, the signing of which will indicate his or her approval attesting to the accuracy and veracity of the investigative findings.
18. All submitted investigations shall also have a file reference Index Report included. The file reference Index Report will categorize and itemize investigation materials and documentation by Section and in order of importance (i.e., preliminary investigation, completed investigation, complaint reports, charging documents if applicable, operational reports, court documents, copies of ledgers, summonses, ECPO/PSB communications, etc.). Each section will be itemized in a lettering fashion, and each page numbered starting with 'A1', 'A2', 'A3', etc. up to and including 'Z' (if necessary "AA", "BB"...).
19. All investigators, including those at the precinct/command level shall use the OPS 'Investigator Log' report during investigations. The Investigator Log *shall capture all* investigative steps as they occur and be documented chronologically. **Investigators shall specifically note the investigative step taken and the date that it occurred.** The Logs may be hand-written and each investigator is responsible for ensuring prompt updating. The Investigator Log shall be affixed to the outside of the investigative case folder during active investigations. Investigation Logs shall be submitted with the completed investigation and indexed accordingly.
20. Collateral issues/complaints, or acts of misconduct that are uncovered or presented during an initial complaint investigation, may be revealed during either internal or external investigations.



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Collateral conduct must be addressed. The failure to do so can deprive the Division of the ability to identify and correct problems with personnel and procedures through self-critical analysis.

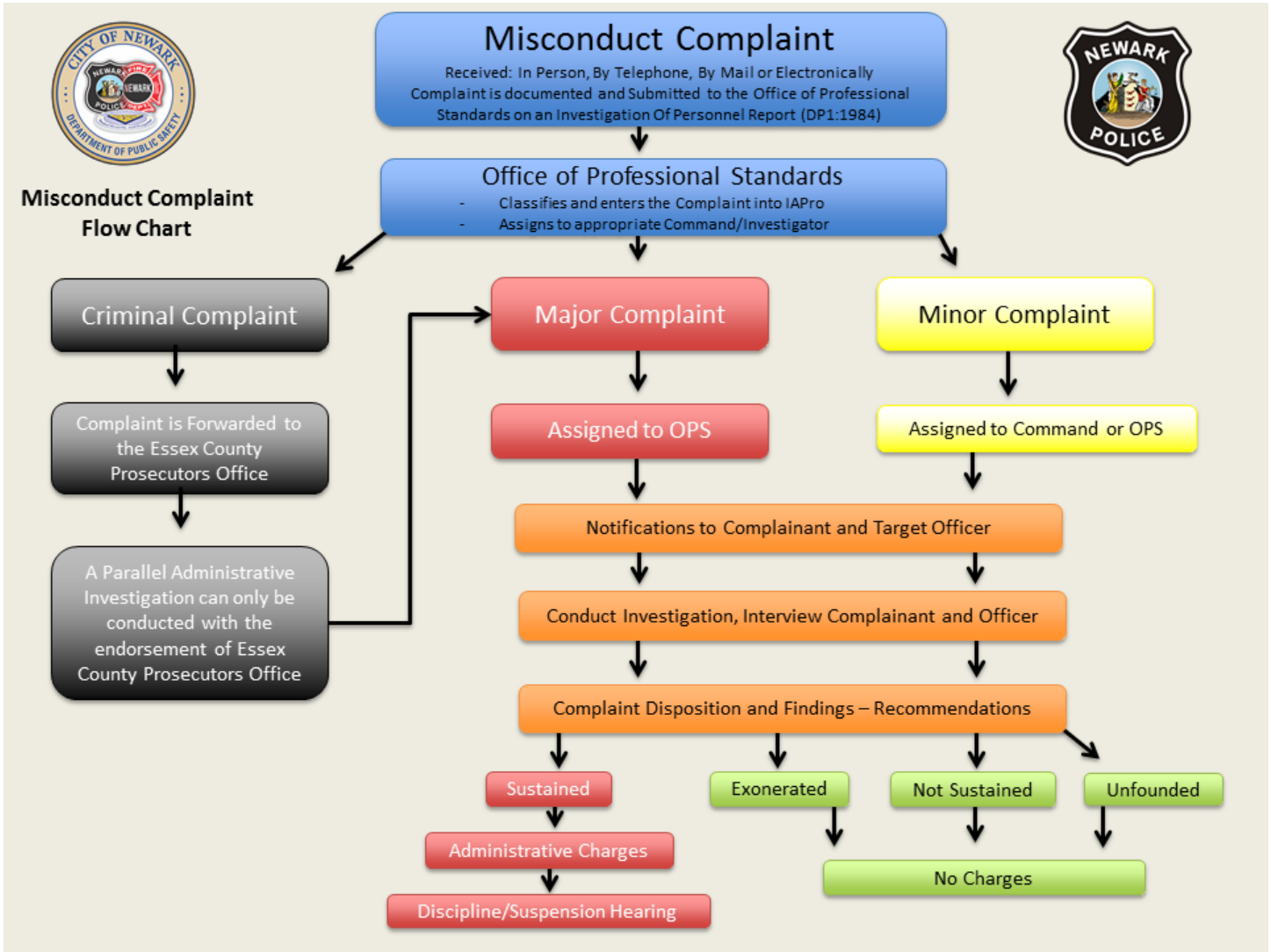
When collateral issues arise, a separate Investigation of Personnel (IOP) number is generated, and entered into BlueTeam and forwarded to OPS. The original complaint shall be cross-referenced.

21. Where an Investigation of Personnel (IOP) has been generated and there is insufficient information to conduct a meaningful investigation, the matter may be Filed Without Investigation, (F.W.I.). This also occurs when a complaint is based upon a misunderstanding of an otherwise legal and proper law enforcement practice, Division Rule/Regulation and/or duties of the Division member. Prior to filing without investigation, the OPS Commander/designee shall notify and advise the complainant of the suggested resolution. An F.W.I. shall only be recommended by the commander of OPS, and shall only be approved by the Public Safety Director.
22. In addition to determining whether a Division member committed misconduct, administrative investigations shall include an assessment of:
  - (1) whether the police action complied with applicable training and legal standards;
  - (2) whether different tactics should or could have been employed; and
  - (3) whether the incident suggests that the agency should revise its policies, strategies, tactics, or training.

Any such assessments which identify policy, training, tactical, or other concerns shall be promptly forwarded to the Public Safety Director and, if the issue is force-related, to the appropriate investigative arm of the Division for review and action.
23. There shall be **no delay** between the conclusion of the investigation by the assigned investigator and the decision to file charges by the person who has that responsibility, the Public Safety Director.
24. The OPS shall be responsible for ensuring that complete sustained investigation packages and supplementary charging documents are promptly forwarded to the Public Safety Director to ensure adherence to the 45-day rule.
25. Investigators and the OPS shall diligently avoid bureaucratic delays during the investigative process. These bureaucratic delays may include long lapses in investigative actions, failure to expeditiously re-assign an investigation due to Division transfer, retirement, or other unnecessary delays in the processing and completion of an investigation. Any justifiable investigative delays (i.e. subject officer on long term illness, vacations, etc.) shall be detailed in the investigative file.
26. Unless otherwise directed by ECPO/PSB personnel, OPS investigators shall **update complainants monthly** regarding the status of open criminal complaints under ECPO/PSB purview. These contacts shall be documented in the investigation.
27. All investigators, assigned to OPS or at the command/precinct level, are reminded that **ALL information related to internal affairs investigations is confidential**. At no time shall any information be disseminated to any other person or entity without proper authorization from the OPS Commander/designee. Any person failing to adhere to this directive shall face disciplinary action.



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### XIII. COMPLAINT ADJUDICATION

- A. The OPS Commander/designee shall review all completed investigations and approve or disapprove of all recommended findings. Disapproved investigations shall be forwarded back to the investigator for cited revisions. Investigators found to display consistent deficiencies and/or significant poor performance shall be re-trained by the Office of Professional Standards, and may face disciplinary action if warranted.
- B. The OPS Commander/designee shall review all disciplinary histories of involved Division members once investigations are completed to ascertain if there may be indications of potentially improper patterns, practices or trends in regards to the conduct of Division members.



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These reviews shall incorporate previous internal investigations with similar civilian complaint fact patterns and/or BlueTeam entries for patterns and practices of force, theft, vehicular pursuits, stops and searches, etc. Established methods and characteristics of police operations, (e.g. officer/unit modus operandi) should be considered in the reviews. The aim of these comprehensive reviews is to determine if officers or individual units of officers may be engaging in improper actions or conduct that otherwise went undetected during individual investigations.

If a review identifies problematic patterns, tactics or actions on behalf of an officer or individual unit of officers, the Commander of OPS or designee shall promptly notify the Public Safety Director. OPS shall take the appropriate follow up action/s as necessary which may include re-opening investigations, recommendation for Division transfer, Performance Monitoring or any other appropriate measures.

- C. Investigations that are reviewed and approved shall have investigative findings entered into the IAPRO/Blue Team Data Bases. Investigations with investigative materials shall be stored in the secured OPS Vault.

#### **XIV. TRAINING**

- A. The Newark Police Division shall provide training to all new recruits and current Division members in the complaint intake process. Complaint intake process training will include, but shall not be limited to, the following areas:

1. Training all Division personnel, including civilian call takers and public safety tele-communicators, (PST's) to properly field, process and route the complaint intake;
2. Providing complaint materials and information;
3. Consequences for failing to accept complaints;
4. Strategies for turning the complaint process into a positive police-civilian interaction;
5. A review of BlueTeam entries completed by Division members for clear and concise reporting and relaying of complainant information;
6. Complaints for referral to the appropriate municipality and or the Essex County Prosecutor's Office; and
7. Identifying and handling complaints derived from Social Media, Facebook, Instagram, Snapchat, etc.

- B. The OPS Commander/designee shall ensure that all investigators and supervisors receive the proper training to investigate allegations of misconduct. Investigators should receive training on a yearly basis, and the curriculum may include the following topics:

1. Defining and Accepting Complaints;
2. The Internal Affairs Investigative Process;
3. Ethics in conducting internal affairs investigations;



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4. *Brady, Giglio and Garrity* Case Law and Review;
5. Confidentiality and Internal Affairs Investigations;
6. Use of Force Investigations;
7. In-Custody Death;
8. In-Car and Body Cameras;
9. Inspections and Audits;
10. Social Media;
11. Performance Evaluations and Early Warning System Alerts derived from IAPRO-Blue Team;
12. Knowledge of State of New Jersey, Internal Affairs Policy and Procedures, *N.J.S.A. 40A:14-181*.

- C. Investigators assigned to the OPS shall receive the appropriate training in handling on-call assignments. Newly assigned investigators at the OPS will train with a seasoned investigator (with a minimum of 2 years' experience at OPS) for approximately (4) weeks prior to being called out to an on-call assignment.
- D. The OPS Commander/designee shall coordinate with the ECPO/PSB to have all OPS investigators attend courses given by or approved by the ECPO associated with Internal Affairs. These courses shall include compliance and integrity based training to ensure compliance with NPD policies and constitutional policing; and
- E. The OPS Commander/designee shall ensure that OPS personnel are fully trained in all facets of the IAPro/BlueTeam programs.

## XV. EFFECT OF THIS ORDER

This Order is effective immediately upon it being signed and issued (promulgated) by the Public Safety Director. Any previous Orders, Memoranda, Directives, or portions thereof, that conflict with this Order are hereby rescinded.

BY ORDER OF

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ANTHONY F. AMBROSE  
PUBLIC SAFETY DIRECTOR

AFA/BO/rme

c: Darnell Henry, Chief of Police