

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. 2:16-cv-01731-MCA-MAH
)	
v.)	MEMORANDUM SUBMITTING
)	FIRST-YEAR MONITORING PLAN
CITY OF NEWARK,)	
)	
Defendant.)	
)	

Pursuant to paragraph 176 of the Consent Decree between the United States Department of Justice (“DOJ”), the United States Attorney’s Office, District of New Jersey, the City of Newark (“City”), and Newark Department of Public Safety and Newark Police Division (“NPD”) (collectively, “the Parties”), that this Court entered on May 5, 2016, the Independent Monitor (“Monitor”) and Parties submit the First-Year Monitoring Plan (“Monitoring Plan” or “Plan”), attached as **EXHIBITS A–C**, for the Court’s approval. The Monitor, and Parties have worked together, and sought input from Newark community members, to create an ambitious, but realistic, framework for implementing the Consent Decree’s requirements during the first year of the Monitor’s oversight. As such, the Monitor and Parties respectfully request that the Court approve the Monitoring Plan.

I. INTRODUCTION

The DOJ and City entered into the Consent Decree so that “police services delivered to the people of Newark fully comply with the Constitution and laws of the United States, promote public safety and officer safety, and increase public confidence in the [NPD].” (Consent Decree ¶ 2.) The Consent Decree lays out a number of objectives and requirements

that the City and NPD have agreed to implement and hope to complete over the next five years, in order to achieve this over-arching goal.

On May 5, 2016, the Court entered the Consent Decree and formally appointed Peter C. Harvey as the Monitor¹ to assess the City's and NPD's progress in implementing and achieving compliance with the Consent Decree; give status reports to the Parties, Court and Newark community; and work with the Parties to address any barriers to compliance and resolve any differences between them. (Consent Decree ¶ 169.) The Monitoring Team was approved by the Parties to the Consent Decree in July 2016, and the Court was notified regarding the appointment of the Monitoring Team on July 12, 2016. (Consent Decree ¶ 170.)

This Monitoring Plan provides the framework for how the Parties, NPD, Monitor, and Newark community members will collaborate to implement the Consent Decree during the first year of the monitorship, and details how the Monitor will assess the NPD and City for compliance with the Consent Decree.

II. OVERVIEW OF THE MONITORING PLAN

The Consent Decree requires the NPD to undertake wholesale reforms, including creating new policies and procedures, implementing numerous trainings, reallocating staff, and generating reports to create a twenty-first century police force. Indeed, in recognizing the magnitude of the NPD's task, the Parties anticipated that it would require at least five years for Newark to accomplish the Consent Decree's goals. The Monitor appreciates that the NPD cannot accomplish all of these changes at once. Rather, it will take years to implement some of them. Thus, this Plan lays out those goals to be pursued during the first (and in some instances second) year of the monitorship.

¹ The Parties originally filed the Consent Decree indicating their agreement to appoint Peter C. Harvey as the Monitor on April 29, 2016, and the Court signed that Consent Decree on May 5, 2016.

A. Purpose of the Monitoring Plan

At its core, the Monitoring Plan is a roadmap for how to implement the Consent Decree and achieve the Monitor's priorities for the first year. Importantly, the Monitoring Plan does not expand, restrict, or alter the Consent Decree in any way. Instead, the Plan clearly sets forth (1) how the Parties, NPD, Newark community members, and Monitor will work together to achieve the Consent Decree's goals and requirements; and (2) how the Monitor will assess whether the City and NPD are complying with the Consent Decree. To accomplish the implementation of the Consent Decree, the Monitoring Plan:

(a) adopts the deadlines for the NPD to develop policies and deliver trainings to NPD personnel required by the Consent Decree, as well as establishing deadlines for implementing additional provisions of the Consent Decree;

(b) delineates the requirements of the Consent Decree that the Monitor will assess for compliance, indicating which requirements will be assessed together;

(c) establishes the schedule for assessing the outcome measures in the Consent Decree;

(d) sets forth the schedule for completing compliance reviews or audits; and

(e) details the methods by which the Monitor will communicate with the public and receive public input during the monitorship.

(Consent Decree ¶ 176.)

The Plan also outlines the Monitor's priorities for the first year, discussed in Section III below. These priorities reflect those set forth in the Consent Decree itself, and are informed by the Monitor's meetings with community groups, NPD, City representatives, and the DOJ.

The Plan envisions that the Parties will collaborate to help the NPD achieve compliance with certain Consent Decree requirements simultaneously rather than working to achieve full compliance one Consent Decree requirement at a time. Moreover, while the Plan sets forth a timeline for accomplishing the Consent Decree's requirements during the first year, in certain circumstances, implementing the requirements will be an iterative and cyclical process—as the Parties and Monitor discover information during the monitorship it may become apparent that further refining the NPD's current practices, policies, trainings, and/or systems is necessary. Implementing the Consent Decree will therefore be a dynamic and evolving process, and the Monitor anticipates that the Plan will need to be supplemented and/or amended periodically to reflect the current priorities of the Monitor and the Parties, and other implementation challenges.

B. Format of the Monitoring Plan

The Plan consists of three documents in addition to this Memorandum: (1) the First-Year Monitoring Plan Chart (“Chart”); (2) the Critical Path for Tasks Implementation (“Critical Path”); and (3) the Compliance Methodology. The Chart sets forth deadlines for achievements that the Parties and Monitor will accomplish during the first year. *See* **EXHIBIT A**. Some of the tasks will require completion in a timeframe that extends into the second year of the Consent Decree. The Critical Path lays out a detailed methodology for how the Monitor, Parties, NPD, and Newark community members will collaborate to accomplish the achievements in the Chart. *See* **EXHIBIT B**. The Compliance Methodology categorizes the various steps that the City and NPD must take to accomplish the Consent Decree's requirements into compliance levels, which the Monitor will use to assess the City and NPD's compliance with the Consent

Decree in the Monitor's quarterly reports. *See* **EXHIBIT C**. These documents should be read together to fully understand the Plan.

1. The Chart

The Chart is divided into 11 major areas, which reflect the core topics of the Consent Decree:

1. Use of Force
2. Stops, Searches, and Arrests
3. Internal Affairs: Theft
4. Internal Affairs: Complaint Intake and Investigation
5. Community Engagement and Civilian Oversight
6. Bias-Free Policing
7. Data Systems Improvements: Early Warning and Records Management Systems
8. Discipline
9. In-Car and Body-Worn Cameras
10. Training
11. Consent Decree Implementation and Enforcement

The Monitoring Plan's primary objectives, reflected in bold print and shaded rows, detail the broad requirements established in the Consent Decree. Below the primary objectives, in columns with plain text and no shading, the Chart provides five categories of information: (1) Achievement; (2) Methodology Notes; (3) Origination Responsibility; (4) Review Responsibility; and (5) Deadline for Achievement. The Achievement column describes specific accomplishments that must be met to achieve a primary objective. The Methodology Notes column gives further information about how an Achievement will be accomplished, when

necessary. The detailed steps required to implement the methodology are set forth in the Critical Path. The Origination Responsibility column indicates the entity (or entities) responsible for doing the primary work for an achievement, such as drafting documents, conducting trainings, or setting up entities required by the Consent Decree. The Review Responsibility column indicates the entity (or entities) who will review the primary work being done in connection with an achievement.² The entities with origination and review responsibility are responsible for accomplishing the achievement by the deadline in the fifth column. *See* **EXHIBIT A**. Compliance with specific achievements will be measured pursuant to the Compliance Methodology. As explained further below, interim deadlines for the review and revision process are generally laid out in the Critical Path.

2. The Critical Path

Meeting the goals and requirements of the Consent Decree requires a comprehensive review of the NPD's current policies, practices and systems; performing a "gap analysis" to understand how those current policies, practices and systems differ from the Consent Decree's requirements and best practices; revising policies, practices and systems to incorporate the Consent Decree's requirements and best practices; training NPD personnel so they can fulfill their responsibilities under the Consent Decree's requirements; and implementing the Consent Decree's requirements into practice. (Consent Decree ¶ 173.) The Critical Path lays out the steps the City and NPD must take to successfully achieve full and effective compliance with the Consent Decree, and how the Monitor will assess the compliance.

² For example, the NPD has Origination Responsibility for creating revised Use of Force policies because it will be the primary drafter of those policies. The City, DOJ, and Monitor have Review Responsibility for this achievement because these entities will review the draft policies and propose revisions to the NPD. Although not listed as having "Review Responsibility," community members will also give their input and feedback on the policies during the drafting process.

These tasks are divided into four broad phases: (1) conducting a “current assessment” and “gap analysis” of the NPD and City’s current state of affairs; (2) revising or creating policies; (3) training and implementation; and (4) the Monitor’s audit. *See* **EXHIBIT B**. During the current assessment and gap analysis phase, the NPD, Monitor, and DOJ will collaborate to assess the NPD’s current practices, policies, and procedures that relate to a particular Consent Decree requirement and determine how the practice, policy, or procedure needs to be revised and implemented in order to comply with the Consent Decree.

During the policy creation/revision phase, the NPD, Parties, Monitor and Newark community members will work together in creating the new policies envisioned by the Consent Decree. The NPD is responsible for preparing a first draft of new or revised policies after obtaining input from the Monitor, Parties, and community members. The draft then goes through an extensive review and revision process that culminates with the Monitor and DOJ approving the policy.

During the training and implementation phase, the NPD is responsible for developing a training curriculum and schedule for its personnel on the new/revised policy or Consent Decree requirement. The Monitor and DOJ will be responsible for reviewing and revising training curricula and lesson plans, and the Monitor will observe training sessions. During the audit phase, the Monitor will audit the NPD and City to see whether they are complying with the Consent Decree requirement.

3. The Compliance Methodology

The Consent Decree requires the City and NPD to achieve full and effective compliance as determined by the Court. For the City and NPD to be in compliance with a Consent Decree requirement, the requirement must be: (1) incorporated into implemented

policy; (2) the subject of sufficient training provided to all relevant NPD officers and employees; (3) reviewed or audited by the Monitor to determine whether the requirement has been fully implemented in actual practice; and (4) found by the Monitor to have been fully implemented in practice. (Consent Decree ¶ 183.) The Monitor recognizes that the City and NPD may therefore take significant steps to comply with a Consent Decree requirement without achieving “compliance” with the requirement, as the Consent Decree defines that term. Therefore, to better track the City and NPD’s progress on the Consent Decree requirements, the Compliance Methodology provides seven separate categories of compliance: (1) pending, (2) initial development, (3) preliminary compliance, (4) administrative compliance, (5) operational compliance, (6) full compliance, and (7) non-compliance. *See* **EXHIBIT C**. The Monitor will use these categories when assessing the NPD and City’s compliance in its quarterly reports.

III. MONITOR’S FIRST-YEAR PRIORITIES

A. Review and Revision of Policies

The Consent Decree provides that the “NPD will develop [and implement] comprehensive and agency-wide policies and procedures that are consistent with and incorporate all substantive requirements of this Agreement . . . within two years of the Effective Date [i.e., April 29, 2018].” (Consent Decree ¶ 5.) The Monitor’s primary goal for the first year of the monitorship will be to work with the NPD, Parties, and Newark community members to review and revise the NPD’s policies so that they incorporate the Consent Decree’s requirements and begin training NPD personnel on the new policies.

To that end, the Monitor anticipates that the NPD will review and revise its current policies and General Orders by October 1, 2017.

B. Use of Force

The Consent Decree provisions regarding Use of Force contain some of the most important requirements of the Consent Decree and touch upon issues most pressing to Newark community members, as well as the nation. Therefore, the Monitor has prioritized the NPD's review and revision of its Use of Force policies, and anticipates that the NPD will have revised policies in place by early 2017. Moreover, the NPD will adopt a new use of force reporting system, which includes officers' individual accounts of any use of force incident. (Consent Decree ¶ 75.) The applicable deadlines are set forth in the Chart.

Additionally, the NPD will also establish a Serious Force Investigation Team to review Serious Force Incidents and maintain a Use of Force Review Board by February 1, 2017. (Consent Decree ¶¶ 78, 90.)

C. Stops, Searches, and Arrests

Another priority during the first year will be to put systems in place that ensure the NPD "conduct[s] all investigatory stops, searches, and arrests in accordance with the rights secured or protected by the Constitution and federal and state law." (Consent Decree, at 13.) To that end, by November 1, 2017, the NPD will conduct a comprehensive training on the requirements for make constitutional stops, searches, and arrests that are in keeping with best practices. In order to ensure compliance and adequate reporting, the NPD will also "modify its procedures . . . to collect and preserve stop, search, and arrest data sufficient to determine the nature and scope of demographic disparities in stop and search practices, as well as which stop, search, and arrest practices are most effective and efficient." (Consent Decree ¶ 51.) The NPD will modify its current forms by September 9, 2017 and train officers on how to fill them out properly by November 1, 2017. The NPD will also issue a report summarizing the available data

on its stops, searches, arrests, and uses of force by July 1, 2017. The report will set forth the steps taken by the NPD to correct problems, and build on successes that the data shows.

(Consent Decree ¶ 168.)

D. Internal Affairs: Theft

To address a key finding by the DOJ in its July 22, 2014 investigation report, the Consent Decree requires the NPD to “take comprehensive efforts to prevent theft of property by officers.” (Consent Decree at 39.) By early 2017, the NPD will conduct an initial audit of its evidence and property room relating to cash, jewelry, and bulk receipts of narcotics. The audit will serve as a foundation for determining what necessary security enhancements need to be made to ensure that the room is a secure physical environment for storing evidence and property, such as equipping the room with adequate technology to deter and detect theft. By April 1, 2017, the NPD also will revise its chain of custody and inventory policies, as set forth in the Chart. By May 17, 2017, the NPD will review the disciplinary histories of officers who regularly handle valuable contraband or cash to determine if any officer has exhibited behavior indicating a potential risk of stealing items.

E. Internal Affairs: Complaint Intake and Investigation

The Monitor will prioritize working with the Parties to review and revise the NPD’s internal affairs for complaint intake and investigation. As a first step, the NPD will revise its Office of Professional Standards (“OPS”) staffing and ensure that OPS staff have appropriate training for their positions.

As detailed in the Chart, NPD personnel will be trained on how to properly handle complaint intake in early 2017. By July 12, 2017, the NPD and City, in collaboration with the community, will also publicize a program regarding how to make police misconduct complaints.

As part of that effort, the NPD and City will make materials outlining the police complaint process easily accessible to Newark community members, including posting the materials on its websites and appropriate government properties. The NPD will also revise its policies to make clear that all complaints must be accepted from community members, regardless of whether they are made in writing, verbally, in person, by mail, telephone (or TDD), facsimile, or electronic mail. (Consent Decree ¶ 114.)

F. Community Engagement and Civilian Oversight

Another priority in the first year of the monitorship is for the NPD to revitalize its community policing efforts. In order to provide a strong foundation for accomplishing this important task, by July 9, 2017, “the NPD will assess and revise its staffing allocation and personnel deployment to support community policing and problem-solving initiatives and modify any deployment strategy that is incompatible with effective community-oriented policing.” (Consent Decree ¶ 15.) This assessment is crucial to creating a successful community policing program and will encompass both the NPD’s general patrol operations, as well as the various specialized units in the NPD. The NPD will also assign two officers to each precinct in Newark to work with residents to identify and address the priorities of communities in the area. (Consent Decree ¶ 16.)

The NPD will provide training to its personnel on best practices regarding community oriented policing and problem-oriented policing methods and skills by July 9, 2017, and revise its policies on community policing by June 6, 2017.

The Monitor’s primary task in this area for the first year is to conduct a comprehensive baseline survey to assess Newark community members’ experiences with and perceptions of the NPD and public safety. (Consent Decree ¶¶ 22, 177.) The Monitor has

already conducted a survey of NPD personnel and is currently conducting a survey of Newark residents. Once those surveys are completed, the Monitor will conduct a survey of custodial arrestees. In keeping with the Consent Decree, the Monitor conducted the survey of Newark residents in English, Spanish, and Portuguese. Subsequently, the Monitor will analyze the survey data and, later, provide a report of the survey results in his first quarterly report.

G. Bias-Free Policing

The NPD's work on bias-free policing will likely have substantial overlap with its efforts in the stops, searches, and arrests, and community engagement and civilian oversight areas. In addition to the objectives detailed in those sections, by July 1, 2017, the NPD will provide officer training on bias-free policing and conduct demographic analyses of its enforcement activities.

H. Data Systems Improvements: Early Warning and Records Management Systems

The Consent Decree requires the NPD to enhance its Early Warning System by March 30, 2017, and to revise its use of its current Record Management System so it can make effective use of the data it contains. (Consent Decree ¶¶ 156, 162.) During the first year of the monitorship, the NPD will develop a data protocol for its Early Warning System and Record Management System to accomplish this task. The NPD will implement a rudimentary/possibly manual enhancement of its Early Warning System by March 30, 2017, and implement a relational database by the end of 2017. Some of the data systems improvements will depend upon adequate funding being received by the NPD to acquire the technology and equipment necessary to implement several of the changes mandated by the Consent Decree.

I. In-Car and Body-Worn Cameras

On September 26, 2017, the DOJ awarded almost \$375,000 to the NPD to assist its implementation of body-worn camera policies, practices and evaluation methods. *See Department of Justice Awards Over \$20 Million to Law Enforcement Body-Worn Camera Programs*, <https://www.justice.gov/usao-nj/pr/departement-justice-awards-over-20-million-law-enforcement-body-worn-camera-programs> (Sept. 26, 2016). The NPD will make use of this funding to implement new in-car and body-worn policies that meet the requirements of the Consent Decree. The NPD will also will begin implementing a pilot body-worn camera program in the Fifth Precinct that adopts the New Jersey Attorney General Guidelines for body-worn cameras in March 2017. The NPD anticipates equipping a select number of cars and officers with body-worn cameras beginning in the later part of 2017.

J. Discipline

During the first year of the Monitorship, the NPD will apply discipline for sustained allegations of misconduct. (Consent Decree ¶ 152.) The NPD will also implement disciplinary guidance that informs officers of what types of discipline will be taken for each type of violation, and require NPD personnel to justify departing from the disciplinary guidance in writing. (Consent Decree ¶ 153.) By March 9, 2017, the NPD will establish a unified system for implementing the disciplinary guidance, and by July 12, 2017, the NPD will conduct its first annual review of its disciplinary process and actions. (Consent Decree ¶¶ 154, 155.)

K. General Officer Training

In addition to the training NPD personnel will receive for the specific areas of the Consent Decree outlined above, in accordance with Paragraph 10 of the Consent Decree, the NPD completed its first wave of training on the requirements of this Consent Decree on

November 5, 2016. Training for officers with excused absences and recent academy graduates is expected to be completed in the near future. Accordingly, all NPD officers will be aware of and understand the Consent Decree before the NPD begins implementing its requirements. (Consent Decree ¶ 10.) In addition, the NPD will provide officers with at least forty hours of in-service training each year, and will provide additional training as necessary to address changes in the law, or issues identified through its review of use of force incidents, arrest reports, misconduct complaints, or other means. (Consent Decree ¶¶ 9, 14.)

L. Consent Decree Implementation and Enforcement

The Consent Decree details the Monitor's requirements for assessing compliance with the Consent Decree and issuing reports on its efforts. (Consent Decree ¶¶ 172-84.) In particular, the Monitor is responsible for conducting compliance reviews and audits to determine whether the City and NPD are implementing and complying with the Consent Decree's requirements; conducting "outcome assessments" to determine if implementing the Consent Decree is resulting in "policing that is consistent with the Constitution and engenders effective cooperation and trust between [the] NPD and community it serves"; and issuing public quarterly reports that set forth the Monitor's findings. (Consent Decree ¶ 174.)

During the first year, the Monitor will conduct baseline assessments for each area required by the Consent Decree: (1) stops, searches, and arrests; (2) use of force; (3) theft allegations; (4) training; (5) supervision; and (6) accountability. (Consent Decree ¶ 174.) The Monitor is currently working with the NPD to determine which data it has available in its current systems, and the order in which the Monitor will conduct the outcome assessments will depend on the availability of data.

The Monitor will prepare quarterly reports that inform the Court, Parties, NPD, Newark community members, and the general public about the work the Monitor has conducted during the reporting period; the status of the City and NPD's implementation of the Consent Decree requirements; the methodology and findings for any audit or compliance that the Monitor conducted during the reporting period; recommendations for necessary next steps to achieve compliance with the Consent Decree; and a projection of the Monitor's work during the following period. (Consent Decree ¶ 183.) The first Monitoring quarter will begin *after* the Monitoring Plan is approved by the Court, which the Parties anticipate will take place in or about February 2017. The Monitor, therefore, will conduct its first compliance review/audit in March 2017. As with the outcome assessments, the subject matter(s) of the audit will depend upon the data that is available for collection at that time.

The NPD will be evaluated based upon its performance in the first quarter (three months) after approval of the Monitoring Plan. Accordingly, the Monitor's first quarterly report will be published on or about March 2017, will focus on the Monitor and Parties' activities since the Consent Decree was entered by the Court. Subsequent quarterly reports will discuss the Monitor's substantive findings regarding the NPD's compliance with the Consent Decree. The Monitor will meet with Newark community members discuss its report. The Monitor will complete this process three times (quarterly) during the first year of the monitorship.

IV. COMMUNITY COLLABORATION AND COMMUNICATION

The overarching aim of the Consent Decree is that "police services delivered to the people of Newark fully comply with the Constitution and laws of the United States, promote public and officer safety, and increase public confidence in the [NPD] and its officers."

(Consent Decree ¶ 2.) To achieve this goal, Newark community members must have a role in

how the Consent Decree is implemented and a venue through which to voice their experiences, concerns, and ideas.

On August 10, 2016, the Monitor introduced the Monitoring Team to Newark community members and stakeholders at a Meet-the-Monitor Community Meeting hosted by the Parties and NPD. At the meeting, the Monitor provided an overview of his role in the Consent Decree and answered questions that community members had about the Consent Decree and monitorship. This meeting marked the beginning of the Monitor's close working relationship with Newark community members and stakeholders.

The Monitor has implemented multiple methods of communicating with the public and receiving public input on the Consent Decree's implementation throughout the duration of the monitorship. First, on August 1, 2016, the Monitor established a monitoring website, which will contain a form that the public can use to write about their experiences with the NPD. Second, on August 18, 2016, the Monitor launched a telephone hotline with prompts in English, Spanish and Portuguese for Newark community members to report their experiences with the NPD verbally. Third, the Monitor will hold quarterly meetings with community members. The Monitoring is also working on additional ways to meet and communicate with community members and stakeholders.

V. CONCLUSION

The Monitor and Parties have collaborated to create this Monitoring Plan, which establishes the framework for achieving the Consent Decree's requirements for the first year of the monitorship. The Monitoring Plan sets forth aggressive but achievable goals for the first year, and lays the foundation for complete compliance with the Consent Decree within five

years. Therefore, the Monitor and Parties respectfully request that the Court approve the First-Year Monitoring Plan.

Respectfully submitted,

/s/ Peter C. Harvey
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Exhibit A

Newark Police Division Monitoring Team

First-Year Monitoring Plan



NPD
INDEPENDENT
MONITOR

February 17, 2017 – February 16, 2018

This chart lays out the Independent Monitor’s Plan for the First Year and interprets, in abbreviated form, the requirements of the Consent Decree. The chart is to be read in conjunction with its accompanying appendices: the “Critical Path” for Tasks Implementation (EXHIBIT B) and Compliance Methodology (EXHIBIT C), which provide more details about each “Achievement” listed in the chart, including the discrete steps required to accomplish each “Achievement.” Nothing in this document supersedes the language of the Consent Decree dated May 5, 2016.

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I. Use of Force

Achievement	Methodology Notes	Origination Responsibility	Review Responsibility	Deadline for Achievement¹
Develop Use of Force Policy: NPD will develop and implement a use of force policy or set of policies that cover all force techniques, technologies, and weapons that are available to NPD officers. The policy or policies will clearly define each force option and specify that unreasonable use of force will subject officers to discipline. (¶¶ 66-74)				
NPD will review and revise its current use of force policy or policies to ensure compliance with Consent Decree.	See “Critical Path” for Tasks Implementation.	NPD	Monitor DOJ City	March 2, 2017
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required. (¶ 11)	See “Critical Path” for Tasks Implementation.	NPD	Monitor DOJ	Within 60 days after approval of SOP
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶11)			Monitor	Within 60 days after approval of SOP
Audit of NPD Firearms Certification Oversight (¶¶ 70-71, 74)				
NPD will provide resources for officers to maintain proper weapons certifications and will implement sanctions for officers who fail to do so. Officers will be prohibited from using unauthorized weapons or ammunition. (¶¶ 70, 71, 74)		NPD	Monitor	Ongoing

¹ Deadlines for Achievements that reference the Critical Path” for Tasks Implementation in the Methodology Notes Column require the entity with Origination Responsibility to produce a *final product* by the Deadline for Achievement. The draft/ revision process set forth in the Critical Path” for Tasks Implementation must therefore take place before these deadlines.

Use of Force Continued

Achievement	Methodology Notes	Origination Responsibility	Review Responsibility	Deadline for Achievement
<p>Monitor will inspect NPD firearms range to ensure compliance with applicable standards and will review the firearms qualification scheduling protocol to ensure proper scheduling of all officers.</p> <p>Monitor will review firearms qualification documentation to ensure that (1) the course of fire complies with NJ Attorney General directives and (2) officers who fail to qualify are properly remediated or sanctioned.</p> <p>Monitor will review the applicable NPD General Order to ensure that unauthorized weapons and ammunition are prohibited and that supervisory responsibilities to oversee that requirement are established and documented.</p>		Monitor		Ongoing
NPD Use of Force Reporting and Investigation: NPD will adopt a use of force reporting system and a supervisor Use of Force Report, separate from the NPD's arrest and incident reports, and which includes individual officers' accounts of their use of force. (¶¶ 75-85)				
NPD will develop a mechanism by which use of force and citizen interaction complaints are reviewed by training staff to form the basis of changes in training to address the issues arising from these complaints.	See "Critical Path" for Tasks Implementation.	NPD	Monitor DOJ City	January 9, 2017

Use of Force Continued

Achievement	Methodology Notes	Origination Responsibility	Review Responsibility	Deadline for Achievement
Monitor will review and assess (1) NPD Use of Force Report forms, and (2) NPD General Orders, to ensure that officers are required to fill out the report forms in all incidents where force is employed.	Monitor will review officer and supervisor report forms to ensure that they capture information necessary to facilitate appropriate recording and review of use of force incidents. Review will identify necessary additions or modifications to comply with the Consent Decree. (Phase I)		Monitor	January 9, 2017
NPD, in consultation with Monitor and DOJ, will categorize force into levels to report, investigate, and review each use of force. The levels will be based on the factors set forth in ¶ 77.	Monitor will review the levels of force identified in the NPD Use of Force Policy to ensure their capacity to provide for the reporting, investigation and review of use of force incidents. Applicable NPD Policy and General Orders will be reviewed to ensure that the use of force incident consequences and characteristics identified in the Consent Decree are appropriately taken into account as a basis for employing various levels of investigation and review. (beginning of Phase II)	NPD DOJ Monitor		November 15, 2017

Use of Force Continued

Achievement	Methodology Notes	Origination Responsibility	Review Responsibility	Deadline for Achievement
NPD will establish a Serious Force Investigation Team (“SFIT”) to review Serious Force Incidents, conduct criminal and administrative investigations of Serious Force incidents, and determine whether incidents raise policy, training, tactical, or equipment concerns. Lower or intermediate force incidents will be investigated by line supervisors. (§§ 78 - 84, 86-94)				
NPD will create and implement (1) a General Order establishing the SFIT to ensure sufficient staffing consistent with ¶ 92 of the Consent Decree; and (2) General Orders establishing line supervisors’ responsibilities to investigate lower and intermediate use of force incidents.	See “Critical Path” for Tasks Implementation.	NPD	Monitor DOJ City	February 1, 2017
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required. (§ 11)	See “Critical Path” for Tasks Implementation.	NPD	Monitor DOJ	Within 60 days after approval of General Orders
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (§11)			Monitor	Within 60 days after approval of General Orders
Monitor will conduct incident investigation reviews to ensure compliance with the SFIT and supervisory responsibilities set forth in the Consent Decree.		Monitor		Ongoing after February 1, 2017
NPD will issue a report, analyzing the data in its officer force reports and supervisor investigative reports and identifying significant trends, as well as		NPD		June 5, 2017

Use of Force Continued

Achievement	Methodology Notes	Origination Responsibility	Review Responsibility	Deadline for Achievement
policies and practices that need to be revised. (¶¶ 85, 168)				
Monitor will audit NPD and report on use of force investigative findings.	Monitor will review a selection of use of force incident investigations to ensure that the chain of command review process is being undertaken consistent with the Consent Decree. Monitor will further review investigation findings in a selection of cases to ensure that findings are supported by a preponderance of the evidence.	Monitor		Ongoing
NPD will maintain a Use of Force Review Board (“UFRB”) to conduct timely, comprehensive and reliable reviews of all Intermediate and Serious Force incidents, in accordance with the requirements set forth in the Consent Decree. (¶¶ 88, 95, 96, 98, 102)				
NPD will create a General Order establishing the UFRB to ensure that it is staffed consistent with Consent Decree provisions, and to ensure that the responsibilities assigned are consistent with Consent Decree provisions.	See “Critical Path” for Tasks Implementation.	NPD	Monitor DOJ City	May 1, 2017
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required, which will provide the UFRB with 8 hours of training. (¶¶ 11, 97)	See “Critical Path” for Tasks Implementation.	NPD	Monitor DOJ	Within 60 days after approval of General Order

Use of Force Continued

Achievement	Methodology Notes	Origination Responsibility	Review Responsibility	Deadline for Achievement
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶ 11)				Within 60 days after approval of General Order
NPD's UFRB will review SFIT and Intermediate Force investigation findings. (¶¶ 13, 96-101)	SFIT investigations will be chaired by the Director (designee), completed within 7 days of receipt from SFIT, and include the civilian oversight entity. NPD will include the civilian oversight entity in the review of the completed SFIT investigations, as permitted by law. (¶ 101)	NPD Civilian Oversight Entity		Ongoing
Monitor will review documentation of UFRB incident reviews to ensure that the reviews are conducted, consistent with the Consent Decree.			Monitor	Ongoing

II. Stops, Searches and Arrests

Achievement	Methodology Notes	Origination Responsibility	Review Responsibility	Deadline for Achievement
<p>Phase I: NPD will provide all officers with 16 hours of training on stops, searches, and arrests by November 1, 2017. (§ 43)</p> <p>Note: NPD will divide training into two phases. The first phase will cover the topics set forth in § 43 of the consent decree. The second phase will occur after the stop search and arrest SOP is revised and cover the revised SOP.</p>				
<p>Phase I: NPD to provide 16 hours of training to all NPD personnel on the First and Fourth Amendments, including the topics set forth in § 43 of the Consent Decree.</p> <p>NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (§11)</p>	See “Critical Path” for Tasks Implementation.	NPD	Monitor DOJ	November 1, 2017
<p>Phase II: NPD will revise policies in accordance with §§ 25-42, 55-62 of the Consent Decree. NPD will begin “Phase II” training modules for the revised policies, in accord with the steps for “Phase I” training outlined above, upon the Monitor and DOJ’s approval of the revised SOP.</p>				
NPD will review and revise its current stop, search, and arrest policy or policies to ensure compliance with Consent Decree.	See “Critical Path” for Tasks Implementation.	NPD	Monitor DOJ City	September 4, 2017
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is	See “Critical Path” for Tasks Implementation.	NPD	Monitor DOJ	Within 60 days after approval of SOP.

Stops, Searches and Arrests Continued

Achievement	Methodology Notes	Origination Responsibility	Review Responsibility	Deadline for Achievement
incorporated into the in-service training required. (¶ 11)				
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶11).			Monitor	Within 60 days after approval of SOP.
By September 9, 2017, NPD will implement use of data collection form, in written or electronic report form, to collect data on all investigatory stops and searches, as approved by the DOJ and Monitor. (¶ 52)				
NPD will develop categories and fields for necessary data capture in report forms.	Monitor's "Data Team" will assist in development as necessary. See Consent Decree Implementation appendix.	NPD	Monitor DOJ	August 1, 2017
NPD will develop a data collection form to ensure compliance with Consent Decree.	See "Critical Path" for Tasks Implementation.	NPD	Monitor DOJ City	September 9, 2017
NPD will train officers to use specific and individualized descriptive language in reports or field inquiry forms. (¶ 26)	Training included in 16 hours of training on stops, searches, and arrests.	NPD	Monitor DOJ	November 1, 2017

Stops, Searches and Arrests Continued

Data Analysis Protocol: NPD will develop a protocol for comprehensive analysis of stop, search and arrest data, subject to the review and approval of the DOJ and Monitor. (¶ 53)				
NPD will review its current data capacity and identify the gaps between its current data capacity and the capacity required by the Consent Decree.	Identify fields for gender, race, ethnicity or national origin, and age across NPD units. Create plan to implement uniform fields to capture race/ethnicity Create plan for tracking data Identify data parameters Identify Disproportionate Representation of Minorities using Relative Rate Index (“RRI”)	NPD	Monitor DOJ	December 1, 2016
NPD will develop categories, and fields for capturing the data required by the Consent Decree.		NPD	Monitor DOJ	December 1, 2016
NPD will create protocol for comprehensive analysis of stop, search and arrest data.	See “Critical Path” for Tasks Implementation	NPD	Monitor DOJ City	April 3, 2017
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required. (¶ 11)	See “Critical Path” for Tasks Implementation.	NPD	Monitor DOJ	Within 60 days after approval of protocol.

Stops, Searches and Arrests Continued

NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶11)			Monitor	Within 60 days after approval of protocol.
Data Report: NPD will issue a report summarizing and analyzing the data collected on its stops, searches, arrests, and uses of force. The report will also set forth the steps taken by the NPD to correct problems and build on successes indicated by the data. (¶ 168)				
NPD will provide draft report to Monitor and Parties.		NPD		May 12, 2017
Monitor and Parties review draft report and provide revisions to NPD if necessary.			Monitor DOJ City	June 12, 2017
NPD will finalize the report based on feedback from the Monitor and Parties.		NPD		July 1, 2017
NPD supervisors to take appropriate action to address violations or deficiencies in stops, detentions, searches, and arrests; maintain records; identify repeat violators. (¶ 48)		NPD	Monitor	Ongoing

III. Internal Affairs: Theft

Achievement	Methodology Notes	Origination Responsibility	Review Responsibility	Deadline for Achievement
Implement Chain of Custody and Inventory Policy: The NPD will ensure that in all instances where property or evidence is seized, the responsible officer will immediately complete an incident report documenting a complete and accurate inventory of the property or evidence seized, and will submit the property or evidence seized to the property room before the end of tour of duty. (§§ 105, 110)				
NPD will create a chain of custody and inventory policy or policies to ensure compliance with paragraph 110 of the Consent Decree.	See “Critical Path” for Tasks Implementation. Monitor will review any existing policies and procedures regarding the intake, storage, and release of property. Monitor will examine the physical structure of property storage to include the video capacity, and evaluate the computer systems used to record property seized.	NPD	Monitor DOJ City	April 1, 2017
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required. (§ 11)	See “Critical Path” for Tasks Implementation.	NPD	Monitor DOJ	Within 60 days after approval of SOP
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (§11)			Monitor	Within 60 days after approval of SOP
NPD Internal Review of Disciplinary Files: NPD will review the disciplinary histories of its officers who routinely handle valuable contraband or cash, especially those in specialized units, to identify any patterns or irregularities indicating potential				

Internal Affairs: Theft Continued

Achievement	Methodology Notes	Origination Responsibility	Review Responsibility	Deadline for Achievement
risk of theft by officers. (¶ 107)				
NPD will provide a report to the Monitor and supporting documents identifying officers handling contraband or cash.		NPD	Monitor DOJ	May 17, 2017
Transfer of NPD officers: To the extent permitted by law and NPD's collective bargaining agreements, NPD officers identified as having a sustained complaint of theft, or two not sustained or unfounded complaints of theft occurring within one year, will be moved out of positions where those officers have access to money, property, and evidence. (¶ 108)				
City legal department to review legal requirements and collective bargaining agreements regarding transfer of NPD officers consistent with ¶ 108 of the Consent Decree.		City	Monitor DOJ NPD	November 30, 2016
Monitor will review all theft allegations of NPD officers and identify officers meeting the criteria set forth in paragraph ¶ 108 (sustained complaint of theft; two not sustained or unfounded complaints of theft within one year).		Monitor	DOJ NPD	November 30, 2016
NPD shall transfer all officers meeting the criteria set forth in ¶ 108, or provide written explanations as to why an officer cannot be transferred under the law or a collective bargaining agreement.		NPD	Monitor DOJ City	Date to be determined based on City's review of legal requirements and collective bargaining agreements
NPD will ensure that all theft allegations are reported to the New Jersey Department of Law and Public Safety and continue to report such allegations to the Essex County Prosecutor. Officers who have been the subject of multiple theft allegations will be identified as such in said reports. (¶ 109)				
Monitor will review transmittal documents informing the agencies identified in the Consent Decree and summarize the findings in its quarterly report.	Monitor's review will include form DPI-1984 IOP	Monitor		Assessment to be included in Monitor's quarterly reports

Internal Affairs: Theft Continued

Achievement	Methodology Notes	Origination Responsibility	Review Responsibility	Deadline for Achievement
NPD Audits: NPD will conduct and document periodic audits and inspections of the property room and immediately correct any deficiencies. (¶ 111)				
NPD will create an audit and inspection plan to ensure compliance with Consent Decree, subject to approval by the DOJ and Monitor.	See "Critical Path" for Tasks Implementation	NPD	Monitor DOJ City	December 28, 2016
NPD will conduct first audit and inspection of all cash, jewelry, and bulk receipts of narcotics in the property room.	See "Critical Path" for Tasks Implementation	NPD	Monitor DOJ	January 31, 2017
Monitor will review results of first audit and inspection of the property room.		Monitor		February 20, 2017

IV. Internal Affairs: Complaint Intake and Investigation

Achievement	Methodology Notes	Origination Responsibility	Review Responsibility	Deadline for Achievement
Within 180 days of the Operational Date [January 9, 2017], NPD will create a training curriculum and/ or training bulletins for police personnel, including dispatchers, to properly handle complaint intake, including how to provide complaint materials and information; the consequences for failing to take complaints; and strategies for turning the complaint process into positive police-civilian interaction. (§ 116)				
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.	NPD		Monitor DOJ	January 9, 2017
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (§11)			Monitor	January 9, 2017

Internal Affairs: Complaint Intake and Investigation Continued

Within 365 days of the Operational Date [July 12, 2017], NPD and City, in collaboration with the civilian oversight entity or other community input, will develop and implement a program to publicize to the Newark Community about how to make police misconduct complaints. (¶ 112).				
NPD and City will make forms and other materials outlining the complaint process and OPS contact information available on their websites and appropriate government properties. (¶ 113)	See "Critical Path" for Tasks Implementation NPD will review and revise its current complaint forms in use (DP1-1984 IOP, Citizen Complaint forms, and online forms) to ensure compliance with the Consent Decree. Monitor will ensure NPD communicates with attorney of record of a represented complainant after review of complaint forms/ other investigative materials.	NPD City	Monitor DOJ	February 6, 2017
NPD will accept all complaints, by all methods and forms detailed in ¶ 114.		NPD	Monitor	February 6, 2017
NPD will provide civilians, including complainants and witnesses to alleged police misconduct, with full access to NPD's complaint process. (¶ 115)		NPD	Monitor	February 6, 2017
NPD and City, in collaboration with civilian oversight entity, will prepare enabling directives and protocols establishing the program.	See "Critical Path" for Tasks Implementation	NPD City Civilian Oversight Entity	Monitor DOJ	April 3, 2017
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or		NPD	Monitor DOJ	Within 60 days after approval of protocol

Internal Affairs: Complaint Intake and Investigation Continued

procedure and that the topic is incorporated into the in-service training required.				
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶11)			Monitor	Within 60 days after approval of protocol
Transparent Complaint Process: NPD revise its policies to prohibit practices that discourage complainants and witnesses from coming forward, including the requirements set forth in paragraph ¶ 115.				
NPD will review and revise its policies for releasing complaints and misconduct allegations to make such complaints and allegations publicly available and ensure compliance with the Consent Decree.	See "Critical Path" for Tasks Implementation	NPD	Monitor DOJ City	March 3, 2017
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.		NPD	Monitor DOJ	Within 60 days after approval of SOP
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶11)			Monitor	Within 60 days after approval of SOP

Internal Affairs: Complaint Intake and Investigation Continued

NPD will conduct audits to identify officers/ employees who refuse to accept or discourage the filing of misconduct complaints, fail to report misconduct or complaints, or provide false or misleading information about filing a misconduct complaint. NPD will take appropriate disciplinary actions against such officers, as set forth in ¶¶ 117-118.		NPD	Monitor DOJ	First audit to take place by October 12, 2017
NPD Misconduct Reporting and Investigation Process: NPD will require that all officers and employees report allegations of criminal behavior or administrative misconduct by another NPD officer toward a member of the public, that they may observe themselves or receive from another source, to a supervisor or directly to OPS for review and investigation. When a supervisor receives such allegations, the supervisor will promptly document and report this information to OPS. (¶ 119)				
NPD will investigate as a misconduct complaint any information or testimony arising in criminal prosecutions or civil lawsuits that indicate potential officer misconduct not previously investigated by NPD. (¶ 120)	Monitor will ensure that the notification protocol is designed to facilitate the transferal of allegations consistent with this paragraph from the prosecutor, public defender, defense attorney, or judge to OPS.	NPD	Monitor	Ongoing
NPD will create an OPS Notification protocol to ensure compliance with the Consent Decree	See “Critical Path” for Tasks Implementation	NPD	Monitor DOJ City	May 1, 2017
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.		NPD	Monitor DOJ	Within 60 days after approval of protocol.
NPD will provide drafts of new or revised training plans or training curricula related			Monitor	Within 60 days after approval of protocol.

Internal Affairs: Complaint Intake and Investigation Continued

to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶11)				
Monitor will review completed complaint forms (DPI-1984) to determine which cases were received in the field, and if supervisors took the appropriate action. Monitor will also verify policy and penalty for non-reporting.			Monitor	Ongoing after May 1, 2017
NPD will train OPS supervisors to ensure that investigations are thorough and complete, and that investigators' conclusions and recommendations that are not adequately supported by the evidence will not be approved or accepted. (¶ 141)	See "Critical Path" for Tasks Implementation	NPD	Monitor DOJ	June 5, 2017
Complaint Classification Protocol: NPD will adopt a complaint classification protocol that is based on the nature of the alleged misconduct, in order to guide OPS in determining where a complaint should be assigned for investigation. (¶ 121)				
NPD will implement complaint classification protocol to ensure compliance with Consent Decree.	See "Critical Path" for Tasks Implementation.	NPD	Monitor DOJ City	May 1, 2017
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.		NPD	Monitor DOJ	Within 60 days after approval of protocol.

Internal Affairs: Complaint Intake and Investigation Continued

NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶11)			Monitor	Within 60 days after approval of protocol.
Monitor will review all misconduct allegation case assignments to ensure they are properly classified and assigned consistent with NPD classification protocol.		Monitor	NPD DOJ	Ongoing after May 1, 2017
OPS will perform the tasks set forth in ¶¶ 122, 124.		OPS	Monitor	Year two
NPD will maintain a centralized numbering and tracking system for all misconduct complaints. (¶ 125)				
NPD will create a protocol to link an “event” number retrieved from the CAD, which enables NPD to provide a complainant with an identifying number in real time and otherwise comply with the Consent Decree.	See “Critical Path” for Tasks Implementation	NPD	Monitor DOJ	May 1, 2017
NPD will improve OPS’ complaint tracking and assessment practices in accordance with ¶ 149.		NPD	Monitor DOJ	Year two

Internal Affairs: Complaint Intake and Investigation Continued

Within 30 days of the Operational Date, NPD will review staffing of OPS and ensure that misconduct investigators and commanders possess appropriate investigative skills, a reputation for integrity, the ability to write clear reports with recommendations supported by the evidence, and the ability to assess fairly and objectively whether an officer has committed misconduct. (§§ 144, 145)				
Monitor will review personnel files and disciplinary histories of those assigned to OPS to conduct misconduct investigations ensuring they possess the requisite criteria for the position, after reviewing eligibility standards designed by NPD. Monitor will ensure that the selection criteria contain disqualifiers for complaint histories and poor supervisory evaluations. (§ 145.) Monitor will also review NPD staffing study or analysis, and ensure there is a viable investigator-to-officer ratio to ensure timely completing of investigations		NPD	Monitor DOJ	August 11, 2016
NPD will use a case management system to track and maintain appropriate caseloads for OPS investigators and promote the timely completion of investigations by OPS. (§ 146)	Monitor will examine OPS investigator to officer ratio and OPS investigator to case ratio and determine if these ratios are appropriate and consistent with similarly situated police departments. Monitor will confirm caseload through review of IA PRO as well.	NPD	Monitor	Ongoing

Internal Affairs: Complaint Intake and Investigation Continued

NPD will require and provide appropriate training for OPS investigators upon their assignment to OPS, with refresher training at periodic intervals. At a minimum, NPD will provide 40 hours of initial training and eight hours additional in-service training on an annual basis. (¶¶ 147, 148)				
NPD will review and revise its current OPS policy to require training of OPS investigators.	See “Critical Path” for Tasks Implementation	NPD	Monitor DOJ City	July 31, 2017
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.	See “Critical Path” for Tasks Implementation.	NPD	Monitor DOJ	Within 60 days after approval of SOP.
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶11)			Monitor	Within 60 days after approval of SOP.

V. Community Engagement and Civilian Oversight

Achievement	Methodology Notes	Origination Responsibility	Review Responsibility	Deadline for Achievement
Within 180 days of the Operational Date [January 9, 2017] Monitor will conduct a reliable, comprehensive, and representative baseline survey, consistent with the criteria set forth in the Consent Decree, of the Newark community's experience with and perceptions of NPD and public safety. (§ 22)				
Monitor to create baseline survey instrument of the following: Police personnel; City residents; and Custodial arrestees.		Monitor	DOJ City	September 1, 2016 (NPD personnel) November 1, 2016 (city residents) December 1, 2016 (custodial arrestees)
Monitor will develop measurements of public satisfaction with policing, attitudes among police personnel, and the quality of police-citizen encounters.		Monitor	DOJ City	November 1, 2016
Monitor will identify representative samples of City residents, police personnel, and custodial arrestees.		Monitor (City and NPD to assist as necessary)		December 1, 2016
Monitor will have conversations with Newark residents, NPD officers and command staff, and DOJ representatives, and observe community meetings, to identify current and recent issues or concerns specific to Newark.		Monitor (City and NPD to assist as necessary)		December 1, 2016
Monitor will conduct the surveys in English, Spanish, and Portuguese as necessary.	NPD and City will cooperate with the design and conduct of the surveys.	Monitor (City and NPD to assist as necessary)	DOJ City	January 9, 2017

Community Engagement and Civilian Oversight Continued

Achievement	Methodology Notes	Origination Responsibility	Review Responsibility	Deadline for Achievement
The Monitor will provide the baseline survey report to the Court and make it publicly distributed and available on the City's and NPD's websites.		Monitor (City and NPD to assist as necessary)	DOJ City	To be included in first quarterly report
Community Policing: By July 9, 2017, , NPD will provide 8 hours of in-service training on community policing and problem-oriented policing methods and skills for all officers, including supervisors, managers and executives. (¶ 14)				
Note: NPD will divide training into two phases. Phase I: train all NPD personnel on community policing. Phase II: train all NPD personnel on revised NPD policies related to community policing. Phase I training will be conducted in connection with community policing training.				
NPD will review and revise its current community policing policy or policies to ensure compliance with Consent Decree.	See "Critical Path" for Tasks Implementation.	NPD	Monitor DOJ City	June 6, 2017
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required. (¶ 11)	See "Critical Path" for Tasks Implementation.	NPD	Monitor DOJ	Within 60 days after approval of SOP
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶11)	Training content will incorporate the Director's Strategic Vision, the fundamentals of Community Policing as it relates to Police Legitimacy, and the role of officers in supporting the NPD's mission.		Monitor	Within 60 days after approval of SOP

Community Engagement and Civilian Oversight Continued

Achievement	Methodology Notes	Origination Responsibility	Review Responsibility	Deadline for Achievement
Evaluation of Community Policing Protocol: By February 7, 2017, NPD will implement a protocol to periodically measure the breadth, extent, and effectiveness of its community partnerships and problem-solving strategies, including officer outreach, particularly outreach to youth. (¶ 17)				
NPD will submit first drafts of its measurement mechanisms to the Monitor and DOJ for review.	The Measurement Mechanism must identify the Newark communities that will be surveyed. Community policing should be measured by completing community policing activities as well as by surveying those served by community policing.	NPD	Monitor DOJ	October 10, 2017
The Monitor and DOJ will review the mechanisms and provide the NPD with feedback.	Review will include assessment of implications for NPD's data system.		Monitor DOJ	November 1, 2017
NPD will submit a final draft of the measurement mechanism.		NPD	Monitor DOJ	November 15, 2017
NPD will begin implementing the measurement mechanisms.		NPD	Monitor	February 7, 2017
NPD will prepare a publicly available report of its community policing efforts overall and in each precinct. (¶ 18)	Report will identify the results of the assessment NPD has conducted under ¶ 15.	NPD		March 10, 2017

Community Engagement and Civilian Oversight Continued

By July 9, 2017, NPD will assess and revise its staffing allocation and personnel deployment to support community policing and problem solving initiatives, and will modify deployment strategies that are incompatible with community policing, such assessment and modified strategy to be provided to the DOJ and Monitor for approval. (¶ 15)				
NPD will conduct review of its current staffing allocation and personnel deployment and develop a community policing strategy that involves all officers assigned to policing precincts, including the Community Policing Officers.		NPD	Monitor	October 30, 2016
NPD will assign two officers to each precinct to work with residents to identify and address communities' priorities, and who are not assigned to answer calls for service except in exigent circumstances. (¶ 16)	NPD will develop job descriptions for these newly created positions that specify the officers' responsibilities; prerequisite skills, knowledge, and abilities; reporting protocols; and selection process.	NPD	Monitor	January 1, 2017
NPD will review and revise its current staffing allocation and personnel protocol to ensure compliance with Consent Decree.	See "Critical Path" for Tasks Implementation	NPD	Monitor DOJ City	July 9, 2017
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required. (¶ 11)	See "Critical Path" for Tasks Implementation	NPD	Monitor DOJ	Within 60 days after approval of SOP

Community Engagement and Civilian Oversight Continued

NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶ 11)			Monitor	Within 60 days after approval of SOP
Within 365 days of the Operational Date [July 12, 2017], the City will establish through executive order and/or municipal legislation a civilian oversight entity to assess and review NPD's efforts to comply with the Consent Decree. (¶ 13)				
The Monitor will review the executive order and/or municipal legislation established by the City for compliance with the Consent Decree.		Monitor	DOJ City	January 13, 2017
The Monitor will assess the allocation of resources to determine whether the civilian oversight entity will be able to execute its duties and responsibilities.		Monitor	DOJ City	February 13, 2017
NPD will meet with the civilian oversight entity to discuss data, policies, and reporting being made available to the public, and rationales for not disclosing certain data, policies, and reporting.		NPD Civilian Oversight Entity		Year two.

VI. Bias-Free Policing

Achievement	Methodology Notes	Origination Responsibility	Review Responsibility	Deadline for Achievement
<p>Phase I: NPD will provide officers with 8 hours of training on bias-free policing by July 1, 2017. (¶ 63)</p> <p>Note: NPD will divide training into two phases. Phase I: train all NPD personnel on bias-free policing. Phase II: train all NPD personnel on revised NPD policies related to bias-free policing. Phase I training will be conducted in connection with community policing training.</p>				
<p>Phase I: NPD will train all NPD personnel on the bias-free policing.</p> <p>NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶11)</p>	<p>See “Critical Path” for Tasks Implementation</p>	<p>NPD</p>	<p>Monitor DOJ</p>	<p>July 1, 2017</p>
<p>Phase II: NPD will revise policies in accordance with ¶ 64 of the Consent Decree. NPD will begin “Phase II” training modules for the revised policies, in accord with the steps for “Phase I” training outlined above, upon the Court’s approval of the revised SOP.</p>				
<p>NPD will review and revise its current bias-free policing policy or policies to ensure compliance with Consent Decree.</p>	<p>See “Critical Path” for Tasks Implementation</p>	<p>NPD</p>	<p>Monitor DOJ City</p>	<p>August 28, 2017</p>
<p>NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required. (¶ 11)</p>	<p>See “Critical Path” for Tasks Implementation</p>	<p>NPD</p>	<p>Monitor DOJ</p>	<p>Within 60 days after approval of SOP</p>
<p>NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and</p>	<p>See “Critical Path” for Tasks Implementation</p>		<p>Monitor</p>	<p>Within 60 days after approval of SOP</p>

Draft - Deliberative Process

Bias-Free Policing Continued

Achievement	Methodology Notes	Origination Responsibility	Review Responsibility	Deadline for Achievement
approval prior to implementation. (¶11)				
NPD will conduct quarterly demographic analyses of its enforcement activities to ensure bias-free policing. (¶65)				
NPD will update its data systems so that it has the capacity to conduct demographic analyses of its enforcement activities.		NPD	Monitor DOJ	October 30, 2017

VII. Data Systems Improvements: Early Warning and Records Management Systems

Achievement	Methodology Notes	Origination Responsibility	Review Responsibility	Deadline for Achievement
Early Warning System: Within one year of the Effective Date [March 30, 2017], NPD will enhance its Early Warning System so as to comply with the requirements set forth in the Consent Decree. (¶¶ 156-165)²				
NPD to submit funding request to City, which sets forth the necessary enhancements to its Early Warning System and estimated costs.	See footnote 3. ³	NPD	City	November 28, 2016
City will provide sufficient funding to NPD to enhance its Early Warning System. (¶ 156)	See footnote 3.	City		Before March 30, 2017
NPD will develop and implement a data protocol describing information to be recorded and maintained in the Early Warning System. (¶ 157)	Develop a baseline data protocol to address the needs of the proscribed EWS; Enhance with any departmental guidance from leadership; Update protocol; Process same through review processes (including	NPD	Monitor DOJ	February 6, 2017

² The Consent Decree provides that “the EWS will use a *relational database*” to analyze the NPD’s data. (¶ 156.) The NPD will not likely be able to implement a relational database by March 30, 2017. However, the NPD will implement a more rudimentary/possibly manual enhancement of its Early Warning System by March 30, 2017 and implement a relational database by the end of 2017. Before implementing a relational database, the NPD will conduct an assessment, gap analysis, requirements definition, solicitation, and tool selection.

³ The overall Data Assessment/Improvement methodology is as follows: Assess current processes and systems (detailed in the NPD “Consent Decree Implementation” appendix); Compare results to the requirements of the Consent Decree; Define the gap; Define measurable solution requirements to address the gap; Develop the (manual) solution/process; Implement same; After a period of performance to be determined, assess effectiveness for any areas of improvement; Update if necessary, and/or fully implement as necessary. Publish protocol and provide necessary training/guidance to ensure success; Implement protocol; and Develop an audit process to ensure success. This methodology corresponds to the “Critical Path” methodology, but allows for revisions after testing/implementation.

Data Systems Improvements: Early Warning and Records Management Systems Continued

Achievement	Methodology Notes	Origination Responsibility	Review Responsibility	Deadline for Achievement
	IMT review); Finalize same; Publish protocol and provide necessary training/guidance to ensure success; Implement protocol; and, Develop an audit process to ensure success of the EWS.			
NPD will revise its use of EWS as an effective supervisory tool. To that end, the EWS will use comparative data and peer group analysis to identify patterns of activity by officers and groups of officers for supervisory review and intervention. (¶ 158)	Develop business process decisions within the organizational structure; develop a “tool kit” of interventions for supervisor usage; develop processes to ensure consistency in using interventions; and, achieve familiarity by supervisors with non-punitive interventions and how to benefit with same.	NPD	Monitor DOJ	September 11, 2017
Monitor current EWS process (referred to as the NPD “Performance Monitoring Plan”). (¶ 161)	Given the baseline definition of the current process, develop a mechanism to regularly assess operations and ensure consistent practices.	Monitor		Ongoing
Implement automated EWS solution. (¶¶ 160, 161)	Assess viable procurement methods available to NPD; Research and solicit the best options available (on market or other) to meet	NPD	Monitor DOJ	October 23, 2017 (Contingent upon timeliness of City funds for procurement of IT solution.)

Data Systems Improvements: Early Warning and Records Management Systems Continued

Achievement	Methodology Notes	Origination Responsibility	Review Responsibility	Deadline for Achievement
	defined requirements; Issue solicitation or other to assess options; Procure/develop solution; Implement same; Test solution; Update if necessary; Train end-users; Fully deploy solution.			
City will provide sufficient funding and personnel to NPD so NPD can revise its use and analysis of its Record Management System. (¶ 162)		City		Year 2 [October '17-October '18]
NPD will revise its use and analysis of its Record Management System so it can make efficient and effective use of the data in the System. (¶ 162)	See footnote 3. Develop the (manual) solution/process.	NPD	Monitor DOJ	Year 2 [October '17-October '18]
Implement automated RMS solution	See methodology for implementing automated EMS solution.	NPD	Monitor DOJ	Year 2 [October '17-October '18]

VIII. Discipline

Achievement	Methodology Notes	Origination Responsibility	Review Responsibility	Deadline for Achievement
NPD will establish a unified system for reviewing sustained findings and applying the appropriate level of discipline pursuant to NPD's disciplinary guidance. NPD will document all disciplinary decisions, including the rationale for any decision to deviate from the level of discipline set out in the disciplinary matrix. (¶ 154)				
NPD will apply discipline for sustained allegations of misconduct based on the nature and severity of the policy violation and defined mitigating and aggravating factors, rather than the officer's identity, rank or assignment; relationship with other individuals; or reputation in the broader community. (¶ 152)		NPD	Monitor DOJ City	October 10, 2016
NPD will implement disciplinary guidance for its personnel that addresses the topics addressed in ¶ 153 of the Consent Decree.		NPD	Monitor DOJ	October 10, 2016
NPD will establish a unified system for reviewing sustained findings and applying the appropriate level of discipline pursuant to NPD's disciplinary guidance. (¶ 154)	See "Critical Path" for Tasks Implementation	NPD	Monitor DOJ	March 9, 2017
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required. (¶ 11)	See "Critical Path" for Tasks Implementation	NPD	Monitor DOJ	Within 60 days after approval of guidance

Draft - Deliberative Process

Discipline Continued

<p>NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶11)</p>		<p>NPD</p>	<p>Monitor DOJ</p>	<p>Within 60 days after approval of guidance</p>
<p>NPD will conduct annual reviews of its disciplinary process and actions. (¶ 155)</p>		<p>NPD</p>	<p>Monitor DOJ</p>	<p>July 12, 2017</p>

IX. In-Car and Body-Worn Cameras

Achievement	Methodology Notes	Origination Responsibility	Review Responsibility	Deadline for Achievement
NPD will develop a policy to designate which cars and officers are exempt from the general in-car and body-worn camera requirements. (§103)				
NPD will review and revise its current policy or policies to ensure compliance with Consent Decree.	See “Critical Path” for Tasks Implementation.	NPD	Monitor DOJ City	November 1, 2017
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required. (§ 11)	See “Critical Path” for Tasks Implementation.	NPD	Monitor DOJ	Within 60 days after approval of the SOP
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (§11)			Monitor	Within 60 days after approval of the SOP
In consultation with the DOJ and Monitor, NPD will develop a policy regarding footage and audio recordings from its in-car and body-worn cameras. (§ 104)				
NPD will review and revise its current policy or policies to ensure compliance with Consent Decree.	See “Critical Path” for Tasks Implementation.	NPD	Monitor DOJ City	November 1, 2017
NPD will create a training curriculum for (1) NPD personnel who are responsible for storing body and car camera footage and audio on, and (2) officers on the revised policy, upon the Monitor and DOJ’s approval of the SOP. (§ 11)	See “Critical Path” for Tasks Implementation.	NPD	Monitor DOJ	Within 60 days after approval of SOP

In-Car and Body-Worn Cameras Continued

Achievement	Methodology Notes	Origination Responsibility	Review Responsibility	Deadline for Achievement
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (¶11)			Monitor	Within 60 days after approval of SOP
NPD will begin the work required to equip all marked patrol cars with video cameras and require all officers, except those set forth in ¶¶103-104, to wear body cameras and microphones with which to record enforcement activity. (¶ 103)				
NPD will conduct pilot program on body worn and develop recommendations for possible device implantation based on the results of the pilot.		NPD	Monitor DOJ City	November 1, 2017

X. General Officer Training

Achievement	Methodology Notes	Origination Responsibility	Review Responsibility	Deadline for Achievement
NPD will provide officers at least 40 hours of in-service training each year. NPD will provide additional training as necessary to address changes in the law, or issues identified through its review of use of force incidents, arrest reports, misconduct complaints, or other means. All training will be consistent with and incorporate current law, professional police standards and best practices. (§§ 9, 14)				
<u>Note:</u> The timelines for training requirements in other Sections of the Consent Decree (e.g., use of force, bias policing), are located in those Sections of this Chart.				
NPD will review and revise its current General Orders to ensure compliance with Consent Decree.	See “Critical Path” for Tasks Implementation	NPD	Monitor DOJ City	October 1, 2017
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required. (§ 11)	See “Critical Path” for Tasks Implementation	NPD	Monitor DOJ	Within 60 days after approval of individual SOPs
NPD will provide drafts of new or revised training plans or training curricula related to the requirements of the Consent Decree to the Monitor and DOJ for review and approval prior to implementation. (§ 11)			Monitor	Within 60 days after approval of individual SOPs
NPD and Monitor Team to review the recruit training being provided by the State and NPD for newly hired members.				
NPD and Monitor will review the current State and NPD curricula and course materials for new recruits to identify areas where State/NPD curricula differs from the Consent Decree.	See “Critical Path” for Tasks Implementation.	NPD Monitor	DOJ City	April 17, 2017

General Officer Training Continued

NPD will maintain complete and consistent training records for all officers. (¶ 12)				
NPD will develop a protocol to gauge retention of training and approve testing mechanisms to ensure compliance with Consent Decree.	See "Critical Path" for Tasks Implementation	NPD	Monitor DOJ City	February 28, 2017
NPD will implement any necessary updates to its data storage system to retain training records as set forth in the protocol.		NPD	Monitor	Ongoing
Review NPD training data to determine if data collection and analysis mechanisms are sufficient and to determine whether NPD's training data demonstrates that officers are retaining lessons and that NPD is otherwise able to demonstrate compliance with all training-related aspects of the Consent Decree. (¶¶ 9, 12)	Data Systems Improvement Team to co-review training data.	Monitor	DOJ City	October 1, 2017

XI. Consent Decree Implementation and Enforcement

Achievement	Methodology Notes	Origination Responsibility	Review Responsibility	Deadline for Achievement
Interdisciplinary Unit: The City and NPD will form an interdisciplinary unit to facilitate the implementation of the Consent Decree. (¶ 196)				
The City implementation unit will file a status report with the Court, delineating the items set forth in the Consent Decree. (¶ 197)		City NPD		September 26, 2016
The Monitor will conduct Outcome Assessments according to the requirements of paragraphs 174-175.				
Monitor will prepare and submit a draft Baseline Measurement Plan to the NPD and Parties, which will address (i) what baseline measurements will be conducted; (ii) how the baseline assessments will be conducted; (iii) when the assessments will be conducted; and (iv) an overview of the intended methodology.	See “Critical Path” for Tasks Implementation.	Monitor	DOJ City NPD	January 23, 2017
Monitor will conduct a baseline assessment of the data detailed in ¶ 174.	The Monitor’s gap analysis, as detailed in the “Critical Path”, will establish which data will be available to assess during the first year.	Monitor		October 2017 [The order in which outcome assessments are conducted is dependent on availability of data]
The Monitor will conduct compliance reviews or audits as necessary to determine whether the City and NPD have implemented and continue to comply with the requirements of this Consent Decree. (¶¶ 173, 174, 180)				
The Monitor will file with the Court quarterly written, public reports covering the reporting period that include, among other items set forth in ¶ 183, the methodology and specific findings of each audit or review conducted, redacted as necessary for privacy concerns. (¶183)				
The Monitor will hold open, public community meetings to explain the Monitor’s reports, to inform the public about the implementation process, and to hear community perspectives of police interactions. (¶ 186)				

Consent Decree Implementation and Enforcement Continued

Achievement	Methodology Notes	Origination Responsibility	Review Responsibility	Deadline for Achievement
Monitor its first quarterly report to the Court, after review and approval by the Parties.				March 17, 2017
Monitor will develop methodology for three compliance reviews/ baseline audits. Methodology will include evaluation of preliminary training requirements under Consent Decree, preliminary staffing for OPS, preliminary staffing for community policing, preparation of required training materials for OPS and community policing, and of drafts of policy creation and revisions. Areas to be examined will include: Use of Force; Stops, Searches, and Arrests; Training; Theft Allegations; Supervision; and Accountability. Community Engagement will also be evaluated through the Community Survey	See "Critical Path" for Tasks Implementation.	Monitor	DOJ City NPD	April 1, 2017 June 15, 2017 September 13, 2017
Monitor will conduct three compliance reviews/ baseline audits: As it relates to the areas of the consent decree, an audit (and report) will be made based upon the data available for collection by a manual or automated process at the time. (¶ 174)	The audit will cover a 90-day period, beginning the day after the Monitoring Plan is approved by the Court.	Monitor		May 16, 2017 August 14, 2017 November 10, 2017
Monitor will submit its first quarterly report to the Court, after review and approval by the Parties.		Monitor	DOJ City NPD	May 1, 2017
Monitor will hold quarterly community meetings after issuing each quarterly report.		Monitor		Dates TBD

Consent Decree Implementation and Enforcement Continued

The Monitor will submit a Monitoring Plan for the second year of monitoring, covering November 1, 2017 through September 30, 2018.				
Monitor will provide a Draft Second Year Monitoring Plan to the Parties.		Monitor		October 10, 2017
Parties will review and provide comments and feedback on the Draft Second-Year Monitoring Plan.			DOJ City NPD	November 9, 2017
Monitor and Parties will submit the Final Second Year Monitoring Plan to the Court.		Monitor DOJ City		December 8, 2017

XII. Monitor's Method of Communicating with the Public and Receiving Public Input

Achievement	Methodology Notes	Origination Responsibility	Review Responsibility	Deadline for Achievement
Monitor shall set out the method of communicating with the public and receiving public input. (§176)				
Monitor will regularly update its Monitoring Website, and make use of additional social media to communicate with the public. The Monitoring Website will provide the public with access to the following information, among other documents: the Monitoring Plan; Monitor's reports; approved NPD policies, procedures, and trainings; court documents. The Monitoring website also enables community members to write about their positive and/ or negative experiences with and perceptions of the NPD.		Monitor		Website launched August 1, 2016
Monitor will maintain Monitor's hotline with prompts in English, Spanish, and Portuguese.		Monitor		Hotline launched August 18, 2016
Monitor will attend community meetings.		Monitor		First community "Meet the Monitor" meeting held on August 10, 2016

Exhibit B

“Critical Path” for Tasks Implementation

The “Critical Path” sets forth the general phases and activities that must be completed for the NPD to achieve full compliance with the Consent Decree for any given subject matter area.

These phases and activities detail the specific steps underlying the “Achievements” set forth in the First-Year Monitoring Plan. Therefore, the “Critical Path” serves as a guide for understanding the First-Year Monitoring Plan as well as a checklist for NPD compliance. Any tasks deemed necessary, but not included in the First-Year Monitoring Plan, will be deferred until subsequent years. Note that not all tasks need to be started within the first year, as some tasks will require funding for the acquisition of technology or equipment.

Phase 1: Perform a “Current Assessment” of the NPD state of affairs and a “Gap Analysis” on any specific provision of the Consent Decree.

This process will include the following steps:

1. Identify what the Consent Decree specifically requires of the NPD.
2. NPD to conduct an “as is” assessment in collaboration with the Monitor. This analysis will include:
 - a. Review of all existing SOPs, General Orders, administrative codes, policy statements, relevant departmental communications, memoranda, system/solutions/supporting documentation, etc. for all functional areas;
 - b. Review of pre-service and in-service training for each topic area;
 - c. Review of training records for each topic area;
 - d. Interviews of informed sworn and non-sworn personnel in the NPD for operational understanding, identification of gaps, areas requiring clarification, etc.;
 - e. Review of all reports, data collection processes, CompStat or other operational priority areas, and any other pertinent sources for relevance to topic;
 - f. Conduct “ride alongs” if relevant;
 - g. Review past complaints from the public, IA files, newspaper coverage and other media; and,
 - h. Collect community input.
3. Identify approved policies and existing best practices in the topic area. Potential sources include:
 - a. DOJ-approved plans from other police and law enforcement agencies under consent decrees, collaborative reform efforts, and other DOJ sources;
 - b. Academic guidance; and,
 - c. Highly regarded and successfully implemented practices from other agencies.
4. Identify any existing NJ law preemption in the area (e.g., Attorney General guidelines).
5. After factoring in items 1-4, Monitor will develop recommendations to address the results of the Gap Analysis and necessary changes for compliance.

Phase 2: NPD Creates New or Revised SOP

This process will consist of the following steps:

1. The NPD, DOJ, City, and Monitor will have an in-person or telephonic meeting to discuss the policy to be revised, and existing best practices and DOJ-approved policies in the topic area.
2. NPD, after obtaining input from the Monitor, DOJ, and City, will create a first draft of the SOP and vet it internally with the Newark Public Safety Director. NPD will provide draft of revised SOP to Monitor, DOJ, and City for review;
3. Draft is reviewed by Monitor, DOJ, and City of Newark. (City's review will include legal review for consistency with federal/state law) (30 days to review).
4. If needed, the NPD will revise the draft (2 weeks).
5. Draft vetted with community via pre-defined mechanisms (period for community input – notice and comment) (3 weeks).
6. If needed, NPD will revise proposed SOP based upon received comments (1 week).
7. Final draft submitted for approval by DOJ and Monitor; Monitor and DOJ to approve policy (1 week).

Phase 3: Training and Adoption Procedure for SOP

This process will consist of the following steps:

1. Using newly adopted SOP, NPD will identify training approaches and draft training module and materials.
2. NPD to develop training curriculum and materials (including PowerPoint, speaker notes, etc.).
3. NPD to provide internally vetted training curriculum and materials to Monitor, DOJ, and City for evaluation.
4. NPD to “train-the-trainers.” Train-the-trainer sessions will provide instructors with (1) the opportunity to complete the relevant in-service and/or electronic-based training from start to finish, and (2) specific instructional content to guide the trainers in teaching the course.
5. NPD to conduct Pilot (“test”) training to be observed by Monitoring Team. Instructional adjustments to be made, if needed.

6. NPD to provide training schedule and train all NPD officers within the timelines established by the Consent Decree.

Phase 4: Monitor's Audit (§180)

This process will consist of the following steps:

1. At least 45 days before initiating any assessment, review, or audit, the Monitor will submit a proposed methodology to the NPD, City and DOJ.
2. Within 30 days of the proposed date of the assessment, review, or audit, the NPD, City and DOJ will submit any comments or concerns regarding the Monitor's proposed methodology to the Monitor.
3. The Monitor will modify the methodology as necessary to address any concerns, or inform the NPD, City and DOJ in writing of the reasons it is not modifying its methodology as proposed.

Exhibit C

Compliance Methodology

This document describes the categories of NPD compliance with the Consent Decree. It is intended for use in the Monitor's Quarterly Reports. Compliance will be assessed according to compliance with annual Monitoring Plans, which will break down into tasks the requirements set forth in the Consent Decree. The compliance categories are as follows: (1) not assessed, (2) initial development, (3) preliminary compliance, (4) administrative compliance, (5) operational compliance, (6) full compliance, and (7) non-compliance. These categories are defined below.

1. Not Assessed

"Not Assessed" means that the Monitor did not assess the Consent Decree provision for an appropriate logistical or substantive reason. The Monitor should explain in the quarterly report why the provision was not assessed. Acceptable reasons include that a requirement was not yet due or that there was an insufficient sample for review.

2. Initial Development

"Initial Development" means that during the auditing period, NPD has taken substantive steps (e.g., retaining a vendor/consultant) toward achieving compliance with a Consent Decree requirement this is not yet scheduled for completion.

Initial Development will only be noted if NPD's efforts are consistent with established timeframes in the Monitoring Plan or Consent Decree. If NPD is expected to have achieved at least Initial Compliance during the auditing period, and has not, the Monitor will note "Non-Compliance."

3. Preliminary Compliance (for SOPs and training only)

"Preliminary Compliance" means that during the auditing period NPD has developed, and the Monitor, DOJ, and City have approved, respective policies/SOPs and related training materials that are consistent with a Consent Decree requirement.

4. Administrative Compliance

"Administrative Compliance" means that during the auditing period NPD has completed all necessary actions to implement a Consent Decree requirement, but General Compliance has not yet been demonstrated in NPD's day-to-day operations.

5. Operational Compliance

"Operational Compliance" means that NPD has satisfied a Consent Decree requirement by demonstrating routine adherence to the requirement in its day-to-day operations or by meeting the established deadline for a task or deliverable that is specifically required by the Consent

Decree or Monitoring Plan. NPD's compliance efforts must be verified by reviews of data systems, observations from Monitor, etc.

6. Full Compliance

“Full Compliance” means that all Monitor reviews have determined that NPD has maintained Operational Compliance for the two-year period.

7. Non-Compliance

“Non-Compliance” means that NPD has either made no progress towards accomplishing compliance, or has not progressed beyond Initial Development at the point in time when NPD is expected to have at least achieved Preliminary Compliance for that monitoring period.

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

_____	X	
UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
v.	:	
	:	No. 2:16-cv-01731-MCA-MAH
CITY OF NEWARK,	:	
Defendant.	:	ORDER
	:	
_____	X	

THIS MATTER HAVING BEEN OPENED TO THE COURT by the Plaintiff, the United States of America, and Defendants, the City of Newark (“City”) and Newark Department of Public Safety and Newark Police Division (“NPD”), (collectively “the Parties”), and the Independent Monitor (“Monitor”) requesting the adoption of the First-Year Monitoring Plan (“Plan”); and the Parties having reviewed the Plan; and having provided notice of the Plan to the Newark community and accepting input from the community for a period of 21 days; and whereas no suggestions were received from the community; and the Court having fully reviewed the First Monitoring Plan;

IT IS ON THIS __ day of February, 2017

ORDERED that immediately upon entry of this Order, the First Year Monitoring Plan shall be adopted.

SO ORDERED.

HONORABLE MADELINE C. ARLEO
United States District Court