

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

UNITED STATES OF AMERICA,
Plaintiff,

NO. 16-01731(MCA-MAH)

vs.

CITY OF NEWARK,
Defendant.

**NEWARK POLICE DIVISION
SIXTH STATUS REPORT**

INTRODUCTION

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

EXECUTIVE SUMMARY

The Newark Police Division has made significant progress toward complying with the Consent Decree and improving overall services to the community. Below are selected highlights for the reporting period of October 27, 2018 to April 27, 2019.

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

2. The NPD continued to deploy body worn cameras and in-car cameras with all seven (7) precincts and detective units equipped during the reporting period. Only a handful of administrative positions remain for training and camera dissemination. Cameras serve as useful tools for recording evidence, more importantly however; they promote professionalism, accountability, and transparency by documenting officer conduct and interactions with the public in compliance with the Consent Decree.

3. The NPD continues to make progress in conducting training in substantive areas of the Consent Decree. NPD completed¹ training for all Division members in Community Oriented Policing and Use of Force. The NPD is near completion on Stops, Searches and Arrests and Body Worn Cameras. Stops, Searches and Arrests is anticipated for completion on April 30th, 2019. Body Worn Camera training is anticipated for completion on or about May 31, 2019.

4. During the reporting period, the NPD continued to utilize the “PowerDMS” document management system to conduct various in-service trainings, training bulletins and storage of agency wide policies and memorandums.

5. During the reporting period, the NPD has collaborated with the Civilian Complaint Review Board (“CCRB”). On March 30th, the NPD hosted a training with CCRB in collaboration with the Essex County Prosecutor’s Office. This training covered Attorney General Guidelines and NPD’s new corresponding policy in the area of Use of Force. The training also included Vehicular Pursuit and Domestic Violence policies.

6. NPD has participated in several community engagements during the reporting period. Some highlighted community events included the NPD’s successful community rollout of the new Disciplinary Process & Matrix policy and two LGBTQ community meetings to discuss the NPD’s new LGBTQ policy and Newark specific training. The NPD continues to prioritize collaborative community engagement and the building of public trust.

7. NPD has expanded its use of the Bar Coded Evidence Analysis Statistical Tracking (“BEAST”) System. The BEAST was added in the 4th Precinct and three (3) additional software licenses are on order for the 6th and 7th Precincts and the Major Crimes Division. The BEAST continues to improve data integrity, centralize information and in general assist in applying

¹ Members of the agency on various leaves of duty remain in need of these training blocks.

consistent data and evidence handling standards across the NPD. The BEAST is on order for the two remaining precincts.

8. During the reporting period, the Gartner Group finalized its IT plan for the NPD and provided a strategic IT roadmap for NPD, supported by actionable plans and recommendations. The defined roadmap of key initiatives direct NPD's IT investment in public safety IT for the next 3-5 years. Gartner provided an actionable IT plan that NPD can follow to enable operations and meet defined strategic objectives. The City of Newark is currently identifying funding sources to initiate the plans and recommendations submitted by the Gartner Group.

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

10. During the reporting period, members of the Consent Decree and Planning Division ("CDPD"), which serves, as the Consent Decree paragraph 196 required implementation unit, attended management training at Google headquarters in New York City and a Methods of Instruction, (MOI) course to better assist in administering all NPD trainings.

11. In compliance with Consent Decree Paragraph 78, the NPD created an All-Force Investigation Team, ("AFIT"). AFIT was initiated on January 1, 2019. AFIT is a sub-component of the Office of Professional Standards, and is responsible for tracking, reviewing and monitoring all uses of force in the NPD. In addition, AFIT is responsible for investigating serious uses of force, and may supersede any low-level or intermediate level use of force investigation. In addition to compliance with Paragraph 67, sub-sections "a" through "i", under sub-section "j", NPD officers are now required to report any 'constructive authority' wherein police personnel unholster and point a firearm at a person to exert verbal command and control over the person.

12. In furtherance of its compliance with Consent Decree, Section XIV, "Data Systems Improvements", on January 1, 2019, the NPD launched "BlueTeam" software. BlueTeam is a companion software to the NPD's current Internal Affairs database. BlueTeam allows the NPD to capture and feed 'Early Warning System' data directly into its existing Internal Affairs database, known as IAPro. Presently, NPD personnel submit Investigations of Personnel, (formal Internal Affairs complaints), Use of Force reports, Constructive Authority reports, Vehicular Pursuit reports, and Non-Disciplinary Actions into BlueTeam.

POLICIES

During the reporting period and in compliance with Paragraph 5 of the Consent Decree, the following policies and procedures have been drafted in collaboration with members of the IMT-SME's, the U.S. Department of Justice, the U.S. Attorney's Office and the Community.

- Use of Force Policy – Approved by Monitor 09/29/17; policy effective 01/01/19.
- Consensual Citizen Contacts and Investigatory Stops – Approved by Monitor 03/15/2018; policy effective 01/24/19.
- Searches with and without a Search Warrant Policy – Approved by Monitor 03/15/2018; policy effective 01/16/19.
- Arrests with and without an Arrest Warrant Policy – Approved by Monitor 03/15/18; policy effective 01/16/19.
- Body-Worn Camera Policy – Approved by Monitor 03/21/18 – Issued to NPD 06/08/18.
- In-Car Camera Policy – Approved by Monitor 03/21/18 – Issued to NPD 06/06/18.
- Use of Force Reporting, Investigation and Review – Approved by Monitor 03/16/18; policy effective 01/01/19.
- Firearms and Other Weapons Policy – Approved by Monitor 03/16/18; policy effective 01/01/19.
- Internal Affairs: Complaint Intake Policy – Approved by Monitor 07/12/18 – Policy revised and sent to Monitor for final approval 09/28/18. Policy has undergone several revisions in the reporting period due to procedural language of Consent Decree paragraphs 107 & 108. Presently under review with Department of Justice and Monitoring Team.
- Community Policing Policy – Approved by Monitor 07/16/18 – Final approval 02/19/19; policy effective 04/04/19.
- Property & Evidence Management Policy – Approved by Monitor 08/02/18 – Policy Final approval 10/19/18; policy effective 04/22/19.
- Property & Evidence Division Policy – Approved by Monitor 08/02/18 – Final approval 03/20/19; policy effective 04/08/19.
- First Amendment Policy – Approved by Monitor 08/09/18 for community review – Policy has undergone several revisions in the reporting period and is presently under Monitoring Team review.

- Disciplinary Process & Matrix – Approved by Monitor 09/21/18 – Final policy approval 02/25/19; PowerDMS training block approved 03/20/19; presently undergoing NPD review at Department of Public Safety.
- LGBTQ Community & Police Interactions – This policy is not specifically cited in the Consent Decree, however the NPD continued to exhibit its commitment to community outreach with this new policy and procedure guideline for NPD officers when engaged with a member of this traditionally disenfranchised community. Policy effective April 4, 2019.

BODY WORN CAMERA

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

The NPD initially implemented a "Body-Worn and In-Car Camera Pilot Program" in the Second and Fifth Precincts. As of April 2019, body-worn cameras have been deployed in all Seven Police Precincts.

Technology challenges have been uncovered during the deployment process relating to networking and BWC software/firmware issues. NPD has been working with Panasonic North America, supplier of our BWCs, and G.T.B.M., technology vendor, in order to address these issues. On January 16, 2019, Panasonic North America began deploying engineers on-site to assist NPD in remediating issues that were encountered as BWC deployment progressed. As of April 18, 2019, Panasonic engineers remain on site assisting NPD in remediating these issues.

In spite of these technological issues, NPD was able to fully deploy BWCs in all Seven (7) Precincts at year end 2018.

On April 9, 2018, the NPD implemented an 8-hour training program based on the approved BWC and In-Car Camera policies. Upon the successful deployment of BWCs in all seven Precincts, NPD began to deploy BWCs and train personnel in specialized, administrative, and investigative units.

As of April 18, 2019, 986 officers have received the 8-hour training. The training of personnel from the below organizational components have been issued a BWC and have received training in the Panasonic Arbitrator software, in order operate, and in certain positions evaluate and monitor the proper use of the equipment, and compliance with procedure:

- Office of Professional Standards
- Legal & Internal Affairs Unit
- Transparency and Risk Analysis Management
- Technology Unit
- Integrity Control Officers
- Municipal Arrest Processing Section
- Communications Division / 911 Call Center
- Alcohol and Beverage Control
- All-Force Investigation Team
- Auto Squad
- Community Affairs
- Criminal Intelligence Section
- Crime Scene Unit
- Emergency Services Unit
- Environmental & Vice Unit
- Fugitive Squad
- Robbery Squad
- Shooting Response Team
- Special Victims Division

TRAINING

In compliance with Consent Decree paragraphs 10, 11, 14, training on Community Policing began on March 12, 2018 following approval of the curriculum by the Independent Monitor and DOJ. The eight (8) hour training was completed on 06/01/2018, 1043 Police Officers and 110 Special Police Officers were trained. New Police Officers will also receive the eight (8) hour training.

The next installment of Community Policing training is scheduled to begin agency wide on May 13, 2019.

The NPD has continued to participate in the "Trauma-Informed Responses to Violence Training" which brings together groups of officers and civilians, and uses a Restorative Justice approach to build trust between officers and civilians. This training is ongoing and has occurred for over two (2) years.

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

The Trauma-Informed training is well received by community members and police officers alike. The training classes are small and the number of participants is limited, which is conducive to meaningful dialogue. Since its inception a total of 170 NPD personnel have participated in the training. 257 community members have also received the training.

In compliance with Consent Decree paragraph 43, the NPD continues to employ an experienced Training Officer who is assisting in the development of training curricula and lesson plans as directed by the Public Safety Director or his designee. During the reporting period, the Training Officer has developed PowerPoint training blocks and examinations for the Complaint Intake and Investigations policy, the Disciplinary Process and Matrix policy and is currently developing the Property and Evidence Management and LGBTQ policy trainings. During the LGBTQ community meetings, the NPD collaborated with community members to seek input on creating videos and scenarios to better focus LGBTQ training on Newark specific topics and concerns. The NPD Training Officer was also instrumental in developing the Stop, Search and Arrest training.

Stops, Searches and Arrests training began with a focus group on 11/08/18. The training is near completion, as of April 16th there were 95 officers remaining. The training is anticipated to be completed² by April 30th. This training was administered by NPD personnel in conjunction with an experienced, former trial attorney.

“Fair and Impartial Policing LLC” (FIP) was selected by the NPD to administer bias free policing training. The training is scheduled to begin on April 30th for mid-manager supervisory training, and a two-day course on May 1st and 2nd for Command level officers with community members. A train-the-trainer course is scheduled for May 14th & 15th. NPD trainers will then administer bias free policing training to all NPD members.

The NPD hired an independent contractor "Force Concepts", through a grant from the National Training and Technical Assistance Center (NTTAC), Bureau of Justice Assistance (BJA), United States Department of Justice (DOJ). The selection process was handled by NTTAC with feedback from the Independent Monitoring Team and the NPD. This training included an extensive use of force curriculum and an in-depth block of instruction for de-escalation.

Use of Force training began on October 24th, 2018 and was completed³ on February 28, 2019. A total of 1,147 NPD members were trained, including 1,050 sworn NPD members and 97 Special police officers.

NPD is working with the ‘Rodgers Group LLC’, which has been contracted by the U.S. Department of Justice to assist the NPD in developing a comprehensive 40-hour Internal Affairs Investigators Training Course along with an Internal Affairs Guidebook. A total of 10 blocks of instruction and an investigator’s guidebook were received, reviewed and forwarded back to the Rodgers Group LLC with commentary. In addition, members of the NPD are assisting with the project on the Day 5, (final training day) practical exercise. The training is still under development and review by the U.S. Department of Justice as of this reporting.

NPD has conducted 8 hours of CPR / Bleeding Control Training for 675 members to date and provided first aid equipment to each attendee. The training is ongoing. First Aid & CPR training

² There are approximately 50 officers on various leave from active duty (long term sick/injured, military, suspension, etc.) that will have to be scheduled upon return.

³ There were approximately 74 NPD members out on various leave from duty.

is initially provided to all personnel as part of the Police Training Commission requirements for all NJ Police Officers.

In addition to the 8-hour Body Worn Camera training for all personnel as noted above in the “Body Worn Camera” section of this report, during the reporting period the NPD developed a 4-hour body worn camera block of supervisory specific training. During the reporting period, forty (40) supervisors have been trained. This training is set to resume in May 2019.

During the reporting period, members of the Consent Decree & Planning Division responded to all precincts on all tours of duty in order to provide complementary and specific ‘roll call’ training for compliance with Body Worn Camera usage. During this roll call training, the CDPD members were able to answer and clarify direct questions posed by the men and women of the NPD tasked with wearing and utilizing the cameras.

In response to issues discovered and presented at roll call trainings, the NPD issued additional Memorandums highlighting specific procedures for compliance. Specifically, Memo #19-01, “*Integrity of BWC Recordings*” issued on January 3rd, 2019, reminded all personnel that under certain circumstances, improper or purposeful deactivation of a body worn camera may be a crime under N.J.S. 28-7(c). Memo #19-51, “*Deactivation of BWC Recordings*” issued on January 28, 2019, reminded all NPD personnel that body worn camera recordings must stay activated at crime scenes, and can only be deactivated under specific circumstances. Memo #19-89 (addendum), “*Standard Issued Equipment*” was issued on March 20, 2019 specifically instructed officers to ensure their body worn cameras are utilized during any patrol duties including overtime assignments, parade and festival duties. Lastly, on April 10, 2019, the NPD issued a Training Bulletin entitled “*BWC Log-In*” which highlighted some areas of concern for NPD officers in log in procedures for the body worn cameras.

POWER DMS

In compliance with Consent Decree paragraphs 8 and 12, during the reporting period, the NPD implemented a document management system, “Power DMS” that has condensed cabinets full of paper into a single, searchable online source that automatically disseminates, collects signatures on, and tracks NPD’s policies and procedures. Power DMS will also be used to manage training

records and make NPD policies accessible to the community online. To date, the entire Police Division has been trained on Power DMS with the exception of fifteen (15) members, who are currently Long Term Sick or Injured, Suspended, or on Terminal Leave.

CIVILIAN OVERSIGHT

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

The NPD continues to provide quarterly summaries of Internal Affairs data to the Office of the Public Safety Director to be forwarded to the CCRB for review. Currently, all Consent Decree related policies developed by the NPD are being made available to the CCRB for review and input as part of the policy development process. During the reporting period, the CCRB reviewed and commented on the NPD’s Disciplinary Process and Matrix policy.

On March 30th, 2019 the NPD hosted a 4-hour training session with CCRB in conjunction with the Essex County Prosecutor’s Office. This training covered Attorney General Guidelines and NPD’s new corresponding policy in the area of Use of Force. The training also included Vehicular Pursuit and Domestic Violence policies.

Oral argument before the Appellate Division occurred on May 13, 2019.

COMMUNITY ENGAGEMENT

The NPD created a ‘7th Precinct’ in Newark’s north ward. This new precinct is headquartered at 159 North 10th Street, and commenced operations on November 19, 2018. The new precinct specifically services Newark’s upper north ward, bordered by East Orange, Bloomfield and Belleville townships. This new police precinct will greatly foster a sense of community partnership and security for Newark’s upper north ward area.

In addition, the NPD has continued to participate in numerous community engagements during the reporting period. During the reporting period, each of NPD's precincts participated in Halloween, Thanksgiving and December holiday events including "trunk or treats", turkey and toy giveaways. The NPD also continued to foster community engagement with events such as 'coffee with a cop', 'soup with a cop' and 'skate with a cop'. These engagements bring police officers and community members together to discuss issues and learn more about each other. In addition, the NPD continued its outreach to youth with several school events including school safety and anti-bullying campaigns.

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

The Community and Clergy Affairs Unit in collaboration with Precinct CSO's and SRO's engage further with the community by hosting a number of events. Gang Resistance Education and Training (G.R.E.A.T.), is an evidence-based and effective gang and violence prevention program built around school-based, law enforcement officer-instructed classroom curricula. The Program is intended as an immunization against delinquency, youth violence, and gang membership for children in the years immediately before the prime ages for introduction into gangs and delinquent behavior.

On April 4, 2019, the NPD launched a new policy specifically tailored to the LGBTQ Community. This policy creates comprehensive guidelines and procedures for NPD members when encountering a person from the LGBTQ community. On April 17, 2019, New Jersey Advanced Media/Star-Ledger cited NPD's new policy as "blazing a trail" in the area of police and transgender relations.

During the reporting period, the City of Newark in collaboration with the NPD initiated the 'Hope One' program, modeled after a Morris County program with the same name. The program utilizes One Newark Mobile Unit and assists area residents with social services for drug rehabilitation and

addiction recovery, mental health issues and homelessness. To date, Newark has assisted several dozen residents with these services.

In compliance with paragraph 15, the Final Staffing Assessment Report findings submitted by the Urban League of Essex County was reviewed by the Monitoring Team. The Monitoring Team has requested additional information including a 'relief factor' and workload study. The NPD in collaboration with members of the Monitoring Team are presently revising the Staffing Assessment.

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

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

- 10/30/18: Disciplinary Process and Matrix Policy Forum at the Terrell Homes Housing complex community room, 35 Riverview Court, Newark.
- 02/28/19: Consent Decree & Planning Division's Consent Decree Progress Report at Saint James A.M.E. Church, 588 Dr. Martin Luther King Blvd, Newark.
- 11/12/18: LGBTQ Community & Police Interactions Policy Forum at the Unity Fellowship Church, 23 Branford Place, Newark.
- 03/11/19: LGBTQ Community & Police Interactions Policy Forum at the Unity Fellowship Church, 23 Branford Place, Newark.

In compliance with Paragraph 18 of the Consent Decree, the NPD has posted its Community Policing Quarterly Reports for the 3rd (01/15/19) and 4th (03/05/19) quarters of 2018 to its NPD Consent Decree website, npdconsentdecree.org. The NPD will be submitting its 1st Quarter 2019 report in the near future.

PROPERTY AND EVIDENCE MANAGEMENT

During the reporting period, the Monitor has approved the NPD Property and Evidence Management and Property and Evidence Division policies. The Property and Evidence Management policy was effective April 22, 2019 while the Property and Evidence Division policy was effective on April 8th, 2019. Temporary evidence lockers have been installed in Municipal Arrest and Processing Section (“MAPS”) which has allowed for the process of securing evidence and property at MAPS to be streamlined.

Property & Evidence Division personnel now monitor 38 newly installed HD cameras in and around the property facility daily to ensure security and integrity is maintained.

The BEAST software is being utilized to electronically track property and evidence via a barcode scanning system. In the reporting period, the 4th Precinct received the BEAST software. Three (3) additional BEAST licenses are currently on order. Upon receipt, these will be disseminated to the 6th and 7th Precincts and Major Crimes Division. After dissemination and training of personnel at the three aforementioned NPD facilities, all NPD sites accepting property and evidence will have the BEAST software installed.

As per paragraph 110, subsection d, of the Consent Decree, working video cameras have been installed at each precinct and the property room to monitor areas where property is handled and stored. Additionally, plans are still in development regarding the NPD’s new Property & Evidence Division facility.

During the reporting period, the following accomplishments have been noted by the Property & Evidence Division.

- 7,480 pounds of obsolete IT equipment recycled;
- 1,634 firearms destroyed;
- 69,411 old narcotics cases destroyed;
- All known firearms (8,943) and narcotics (20,497) entered into the BEAST;
- Establishment of Firearms only storage room;
- Separation of Police Division property and evidence from supplies
- Construction of new racks for Homicide Cases;

- Computerized electronic key card access;

INFORMATION TECHNOLOGY ASSESSMENT

The Gartner Group held its final presentation with the NPD on December 12th, 2018. Gartner Group officials presented the NPD with its strategic IT roadmap for the NPD supported by actionable plans and recommendations. The defined roadmap of key initiatives direct NPD's IT investment in public safety IT for the next 3-5 years. Gartner provided an actionable IT plan that NPD can follow to enable operations and meet defined strategic objectives consistent with the Consent Decree. The Gartner Group also held its final presentation with City Hall officials on February 21st, 2019. The city of Newark is currently identifying funding sources to initiate the plans and recommendations submitted by the Gartner Group.

TRANSPARENCY

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

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

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

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

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

1. Sworn Personnel Rules and Regulations
2. Civilian Personnel Rules and Regulations
3. ComStat related information
4. Crime Statistical Data
5. Transparency Data
 - Discipline
 - Misconduct Complaints
 - Body Worn Camera Policy and Survey
 - Use of Force Data to include; Type of Force Used, Race and Gender of the person and injuries sustained by person/s and/or officer/s

AUDITS

During the reporting period, the NPD initiated the ‘Compliance Unit’ within the Consent Decree and Planning Division. The Compliance Unit is tasked with conducting audits pursuant to the Generally Accepted Government Auditing Standards (“G.A.G.A.S.”).

During the reporting period, NPD’s Compliance Unit completed several Body Worn Camera (BWC) audits. The following tables summarize the inspection results.

Emergency Services Unit Audit

CDPD randomly selected January 14, 2019 to and including January 20, 2019, as the inspection period. All related tour and log sheets were reviewed along with BWC videos that were related to our Emergency Services Unit (ESU).

Summary of Inspection Findings:

| Objective No. | Objective Description | Number Meeting Standards | Percentage Meeting Standard |
|---------------|---|--------------------------|-----------------------------|
| 1. | Did the officer activate the BWC when the policy required it to be. | 33/39 | 85% |

| | | | |
|----|--|-------|------|
| 2. | Was the BWC video classified correctly | 30/30 | 100% |
|----|--|-------|------|

This audit revealed that all the critical incidents involving contact with civilians were documented on the BWC recordings. However, six incidents involving no contact with civilians but requiring BWC recordings were not done.

As a result of this audit the following recommendations were made:

- The supervisors of the Emergency Services Unit (ESU) are to check on a daily basis that assignments requiring the activation of the BWC camera are done so in compliance with the General Order 18-05.
- Integrity Control Officers are to conduct random checks to verify that assignments where ESU personnel are dispatched to are recorded, when required to, and in compliance with General Order 18-05.
- Further non-compliance shall result in NDA's or formal investigations of personnel.

Supervisory BWC policy audit

CDPD randomly selected November 16, 2018 to and including November 23, 2018, as the inspection period. As of the inspection date, First, Second, Fourth, Fifth and Sixth Precincts have deployed BWC's. All related tour sheets, supervisor logs, supervisor Field Inspection reports, administrative reports and all emails submitted by desk supervisors pursuant to their review of two videos per tour were gathered and examined.

This inspection evaluated five objectives. Of the five objectives, the NPD attained a compliance rate of 95% or lower in each. The following table summarizes the inspection results:

Table No. 1 – Summary of Inspection Findings

| Objective No. | Objective Description | Number Meeting Standards | Percentage Meeting Standard | Percentage Meeting Standard 1 st Inspection | Difference in Compliance Rate |
|---------------|--|--------------------------|-----------------------------|--|-------------------------------|
| 1. | Did the desk supervisor submit a BWC Compliance Report during their shift to document the review of two videos? | 112/120 | 93% | 48% | ↑ 45% |
| 1a. | Was the BWC Compliance Report Accurate? | 160/224 | 72% | 67% | ↑ 5% |
| 2. | Did the Field Supervisor submit a Field Inspection Report during his/her respective tour of duty? | 168/240 | 70% | 63% | ↑ 7% |
| 2a. | Was the BWC section of the Field Inspection Report Accurate? | 155/162 | 95% | 71% | ↑ 24% |
| 3. | Did the desk supervisor review BWC footage of arrests or searches involving the recovery of contraband evidence? | 0/9 | 0% | --- | --- |

BWC Supervisory Review Forms Audit

One hundred and twelve of the one hundred and twenty instances where BWC review forms should have been submitted were found and reviewed. The forms indicated 224 BWC videos were reviewed out of a possible 240 for a **93%** compliance rate. The following table breaks down compliance for Objective No. 1 by Precinct.

Compliance by Precinct

| Precinct | No. of Forms Submitted | Number to Meet Standard | Percentage Meeting Standard |
|-----------------|------------------------|-------------------------|-----------------------------|
| 1 st | 23 | 24 | 96% |
| 2 nd | 21 | 24 | 87% |

| | | | |
|-----------------|----|----|------|
| 4 th | 24 | 24 | 100% |
| 5 th | 22 | 24 | 92% |
| 6 th | 22 | 24 | 92% |

Supervisor's Field Inspection Reports Audit

The Compliance Unit identified 240 instances where Supervisor's Field Inspection Reports (SFIR), DP1:2048 should have been submitted. CDPD reviewed SFIR's submitted by field supervisors along with log sheets and tour sheets to determine if the SFIR was submitted.

One-hundred sixty-eight out of the two-hundred forty (**70%**) instances where forms should have been submitted were found. The following table breaks down compliance for Objective No. 2 by Precinct.

Compliance by Precinct

| Precinct | No. of SFIR's Reviewed | Number to Meet Standard | Percentage Meeting Standard |
|-----------------|------------------------|-------------------------|-----------------------------|
| 1 st | 38 | 48 | 80% |
| 2 nd | 30 | 48 | 63% |
| 4 th | 30 | 48 | 63% |
| 5 th | 31 | 48 | 65% |
| 6 th | 39 | 48 | 82% |

Accuracy of Supervisor's Field Inspection Reports

CDPD reviewed Supervisor's Field Inspection Reports (SFIRs) submitted by field supervisors, tour sheets, log sheets and the Arbitrator back end client to determine if the reports submitted were accurate in their details, specifically relating to the BWC section. CDPD reviewed one-hundred twenty-two SFIRs for accuracy by checking the corresponding Arbitrator back-end client log. CDPD determined there were two-hundred and five instances where the field supervisor checked individual officers for BWC compliance.

One hundred fifty-five out of one-hundred sixty-two (**95%**) SFIRs BWC sections were found to be accurate in their details and met the standard for this objective. Seven SFIRs indicated

officers were compliant with policy regarding the use of Body Worn Camera specifically by indicating officers had logged in and synced their BWC to the In-Car Camera. However, upon review of the corresponding Arbitrator back-end client log of those seven instances, inaccuracies were found. The following table breaks down compliance Precinct.

Compliance by Precinct

| Precinct | No. of SFIR BWC Inspections Reviewed | No. of SFIR's found to be Accurate in their details | Percentage Meeting Standard |
|-----------------|--------------------------------------|---|-----------------------------|
| 1 st | 38 | 38 | 100% |
| 2 nd | 30 | 30 | 100% |
| 4 th | 30 | 30 | 100% |
| 5 th | 25 | 25 | 100% |
| 6 th | 39 | 32 | 82% |

BWC Evidence Recovery

CDPD set out to review BWC Evidence Recovery Video Reports submitted by desk supervisors, arrest records, tour sheets and Arbitrator backend client administrative software to determine if BWC videos have been reviewed as indicated by policy and to determine if the reports submitted were accurate in their details.

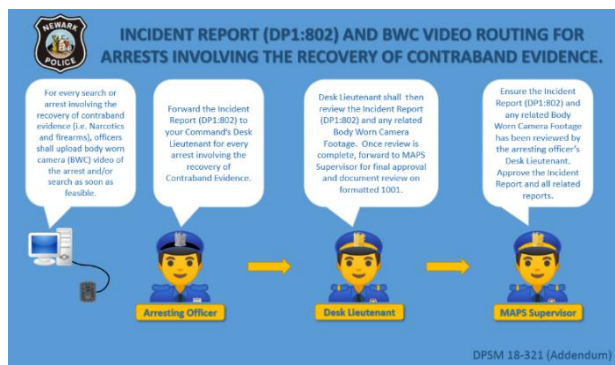
CDPD identified nine instances where BWC footage should have been reviewed for accuracy. No reviews of those associated BWC videos was conducted. No BWC Evidence Recovery Video Reports were completed for the inspection period for a **0%** compliance rate.

Compliance by Precinct

| Precinct | No. of Arrest or Searches involving recovery of Contraband Evidence | No. of BWC Evidence Recovery Video Reports Completed | Percentage Meeting Standard |
|-----------------|---|--|-----------------------------|
| 1 st | 2 | 0 | 0% |
| 2 nd | 0 | 0 | 0% |
| 4 th | 3 | 0 | 0% |
| 5 th | 4 | 0 | 0% |
| 6 th | 0 | 0 | 0% |

In response to the above results of non-compliance by precincts the following steps were taken to correct the deficiency.

- (a) Communications Division was given instructions to issue a “General” broadcast, every tour to all units reminding them that if they have an arrest involving contraband evidence they must download their video of the incident and notify their desk supervisor of the arrest.
- (b) A diagram was printed and disseminated agency wide showing officers and supervisors what specific steps have to be taken when a contraband arrest has been made:



- (c) Consent Decree & Planning Division personnel have conducted Precinct inspections on body worn cameras as well as officer inspections in the field.
- (d) A review of the '24 Hour' arrest reports for contraband arrests is done on a daily basis. Any arrest involving contraband is checked for compliance.

It should be noted that as a result of these new steps taken by the Consent Decree & Planning Division compliance with this objective has seen a dramatic increase in compliance.

Every arrest that involves the recovery of any type of contraband/evidence is reviewed by the CDPD's Compliance Unit on a daily basis and a report is completed with the results. This practice started in January 2019. In January and February, the CDPD Compliance Unit has viewed over one-hundred videos and has referred four, to either commands or the Office of Professional Standards for further action due to officer's actions.

The Compliance Unit also reviews any arrest involving the below listed charges and check to ensure that a field supervisor was at the scene to approve the arrest.

Under G.O. 18-16

XIII. SUPERVISOR RESPONSIBILITIES

A. Field Supervisors

1. Field Supervisors will respond to the incident scene, absent exceptional circumstances, to approve arrests made by officers:

- where the officer used force
- for obstructing the administration of law
- for resisting arrest
- for disorderly conduct
- for a violation where there is a breach of the peace
- for a custodial arrest for a motor vehicle infraction

In addition, the NPD CDPD completed two quarterly audits for the second half of 2018 of FI/Stop Reports and is currently in the process of conducting the first quarter audit of 2019. The following table summarizes the inspection results.

| Objective No. | Objective Description | Number Meeting Standard – 1 st Quarter | Number Meeting Standard – 2 nd Quarter | Number Meeting Standard – 3 rd Quarter | Number Meeting Standard – 4 th Quarter |
|---------------|--|---|---|---|---|
| 1. | Does the Stop Report articulate reasonable articulable suspicion for the stop? | 46/61 | 44/61 | 48/64 | 45/62 |
| 2. | Does the Stop Report articulate reasonable suspicion for frisk? | 2/7 | 0/5 | 0/2 | 3/7 |
| 3. | Does the Stop Report articulate probable cause for a search? | 9/17 | 8/10 | 11/12 | 11/14 |
| 4. | Was the Stop Report Accurately completed? | 26/61 | 30/61 | 36/65 | 35/62 |

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

During the reporting period, NPD's "Stop Report", DP1: 1388 was revised and forwarded to the Department of Justice and Independent Monitoring Team for review. On April 17th, 2019, NPD's Stop Report was approved by the Department of Justice and Independent Monitoring Team. The report has been forwarded to 'Enforsys Inc.' for digital development and entry into NPD's Records Management System.

RESPONSES TO MONITOR'S CONCERNS/REPORTS

During the reporting period, the monitor issued 6th and 7th Consent Decree Quarterly Reports. The 6th Quarter Report was published on January 16th, 2019 and covered the period of April 1, 2018 to June 30th, 2018. The 7th Quarterly Report was published on April 16th, 2019 and covered the period of July 1st, 2019 to September 30th, 2019. The Quarterly Reports highlight accomplishments and deficiencies related to NPD Consent Decree activity.

It should be noted that these reports are filed in the current reporting period, however the reported activity occurred during prior reporting periods. NPD's response to the cited Monitor's concerns are:

Data Systems:

As referenced above, the NPD has received IT plans and recommendations from the Gartner Group in order to improve its data systems for greater Consent Decree compliance. The NPD is in the process of identifying funds to enable the agency to move forward in this critical area. The NPD activated BlueTeam software to streamline its mandated reporting consistent with NJ Attorney General Guidelines and Consent Decree. This software works in conjunction with the NPD's Internal Affairs software database, IAPro for more reliable reporting, tracking and monitoring.

Training:

Section IV of the Consent Decree specifically addresses broad training issues for the NPD. The monitor has maintained that the NPD lacks a training infrastructure due to an insufficient amount of skilled trainers assigned to the unit. During the reporting period, there was a new commander installed at the Training Division due to retirement.

Community Engagement:

The NPD believes that the level of community engagement underway in the NPD is unprecedented and unmatched in modern policing. Evidence of the level of community engagement is available daily through the NPD's social media as noted above.

Internal Affairs:

The Monitor's 6th Quarterly Report paid considerable attention to NPD's Internal Affairs process, specifically citing a comprehensive account of NPD Internal Affairs investigations and processes from 2015 and 2016. During the reporting period, the following updates and revisions were enacted regarding the Office of Professional Standards:

- The policy has undergone several procedural language revisions since initial approval to address the Monitor's concerns as related to Paragraphs 107 & 108, 'potential risk of theft'. The latest revision is presently under review by Department of Justice and Monitoring Team.
- A civilian complaint form entitled "Complaint of Employee Misconduct" was drafted and forwarded to the Department of Justice and Monitoring Team on October 16th, 2018. After several reviews and revisions, the report was forwarded to the Monitor for final approval

on March 22, 2019. The report will be translated into Portuguese and Spanish upon final approval.

- The NPD revised its Office of Professional Standards pamphlet and forwarded same to the Department of Justice and Monitoring Team on October 16th, 2018. After several reviews and revisions, the pamphlet was forwarded to the Monitor for final approval on March 22, 2019. The pamphlet will be translated into Portuguese and Spanish upon final approval.
- The Office of Professional Standards civilian ‘Contact Letter’ was revised as per 6th Quarter report concerns and sent to Department of Justice and Monitoring Team on March 29th, 2019.
- On March 20, 2019, the NPD initiated Office of Professional Standards ‘Investigator Logs’ for every OPS investigation. These logs will be affixed to each investigation and have a written, itemized account of all investigative steps taken during an investigation.
- On March 20th, 2019, the NPD initiated an Office of Professional Standards ‘Social Media’ memorandum to ensure investigators are reviewing various social media during investigations.
- The NPD revised its standard investigative statement form for the Office of Professional Standards. The statement form was forwarded to the Department of Justice and Monitoring Team on February 1st, 2019. This revised statement incorporated several concerns as cited by the 6th Quarter Report including voluntary consent, confidentiality, retaliation, seeking individuals the complainant spoke with regarding the complaint, etc. It has since undergone several reviews and revisions and is presently under review by the Department of Justice regarding the “swearing in” of complainants and witnesses.
- As noted above, the Rodgers Group LLC is presently developing and revising the NPD Internal Affairs Guidebook and 40-hour training curricula. Training and Guidebook presently under review by the Department of Justice.
- During the reporting period, the NPD initiated ‘Non-Disciplinary Actions’, (“NDA’s”) which are generally defined as on-the-spot remedial or corrective actions, such as counseling or re-training, taken by supervisors to address minor deficiencies or inadequate performance committed by their subordinates. NDA’s are submitted into BlueTeam and are now part of the NPD Early Warning System. An In-Service Training Bulletin on NDA’s was issued agency wide on January 25th, 2019.

- During the 7th Quarterly Report, the Monitoring Team cited concerns about NPD's processes for conducting targeted and random integrity audits related to accepting or discouraging the filing of misconduct complaints, as cited in Paragraphs 117 & 118. The NPD had provided a sub-section to the new Complaint Intake & Investigations policy regarding these matters in June 2018. However, at that time it was decided in conjunction with the Monitor's Internal Affairs Subject Matter Expert that the integrity auditing and compliance information would best be suited for an investigator's manual. The investigator manual/guidebook is presently still under Department of Justice review.

Respectfully submitted,

/s/ Avion M. Benjamin

Avion M. Benjamin
First Assistant Corporation Counsel
City of Newark

CERTIFICATE OF SERVICE

The undersigned certifies that the City of Newark's Sixth Status Report was filed electronically on May 20, 2019. Notice of this filing will be sent to all parties via the Court's electronic filing system. Parties may access this filing through the Court's system.

By: /s/ Avion M. Benjamin

Avion M. Benjamin
First Assistant Corporation Counsel
City of Newark