

**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
EIGHTH 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 NPD has made significant progress toward complying with the Consent Decree and improving overall services to the community. Below are selected highlights for the reporting period of October 28, 2019 to April 27, 2020.

1. During the reporting period, the Monitor filed the Ninth Quarterly Report (October 2019) where a number of recommendations were made regarding technology and youth engagement. NPD has taken some significant steps to address these recommendations during the reporting period including the hiring of AH Datalytics through a Bureau of Justice Grant, drafting a Youth Engagement Strategy and meeting with some community stakeholders regarding that engagement strategy.
2. During the reporting period, the Monitor also filed the Tenth Quarterly Report (January 2020) where a number of recommendations were made regarding training. In response to those

recommendations NPD updated its Training Standards Policy in collaboration with the Subject Matter Experts, where processes for selecting instructors have been updated, training evaluations have been standardized and monthly training calendars have been implemented.

3. During the reporting period, the Monitor did not approve the Internal Affairs Guidebook, which NPD drafted with the assistance of the Rogers Group hired through a Department of Justice Grant Program. It took NPD over a year to draft the Internal Affairs Guidebook, which is not required to be done under the Consent Decree. The Monitor recommended that NPD have a Guidebook and NPD chose to implement the Monitor's recommendation. NPD is now redrafting the Guidebook with technical assistance provided by some of the subject matter experts on the Monitoring Team.

4. NPD continues to make community engagement and the building of public trust a priority. During the reporting period NPD officers engaged the community in numerous ways including: the CommUnity and Cops meeting; the Blueline Buddies program in partnership with the NJ Devils; toy drives; the Hope One program; community clean up events; Community walks with precinct commanders; coat drives; Domestic Violence awareness workshops; Newark Police Explorers program; and Bullying workshops at schools to name a few. In response to the evolving COVID-19 pandemic, NPD officers continue to engage the community through community walks and the distribution of essential supplies to those community members in need of assistance.

5. The NPD continues to collaborate with the subject matter experts on the Monitoring Team 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.

6. During the reporting period and in continued response to the Monitor's concerns regarding Domestic Violence as it relates to the NPD reform effort, NPD reviewed Domestic Violence related assignments. The reviews consisted of comparisons of Body Worn Camera footage to filed reports and victim callbacks.

7. During the reporting period, members of the Consent Decree and Planning Division (CDPD), which serves as the Consent Decree *paragraph 196* required implementation unit conducted inspections of compliance with General Order 18-25 Complaint Intake and Investigation Process. The inspections were geared to determine if NPD officers are properly taking and forwarding complaints made against officers in compliance with policy. Additionally,

Office of Professional Standards investigations and disciplinary reviews were assessed for compliance with policy.

8. During the reporting period, NPD has started training officers and supervisors in implicit bias awareness provided by Fair & Impartial Policing®, LLC in compliance with *paragraph 63* of the Consent Decree. The state-of-the-art Fair & Impartial Policing® training program is about how the mind works. The program teaches officers how implicit biases can influence well-intentioned individuals outside their conscious awareness. The goal of this training is to further NPD's efforts to strengthen the relationship with the community.

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. The change of culture envisioned by the Consent Decree cannot be completed in a matter of months, and progress is ongoing, however, a meaningful shift in the transparency data has been observed in sustained excessive force complaints against NPD officers when comparing 2016 and 2019 sustained complaint percentages.

10. Prior to the end of this reporting period, NPD requested from the Monitor a temporary suspension of all on-site inspections and audits due to the public health emergency caused by the evolving COVID-19 pandemic. NPD however stands ready to provide documents or information, where feasible, by remote access, in order for the Monitoring Team to complete any planned audits.

TECHNOLOGY

In response to recommendations from the Monitor and the technology assessment conducted by the Gartner Group in late 2018, and to begin implementation of the NPD IT Strategic Plan and Roadmap developed by Gartner Group, NPD applied to the Bureau of Justice Assistance (BJA) National Training and Technical Assistance Center (NTTAC) for technical assistance to enhance NPD's capabilities to use technology to comply with Consent Decree requirements. Through this collaborative effort, AH Datalytics was hired to conduct a comprehensive gap analysis of NPD's capabilities to provide actionable recommendations across the technology landscape.

The gap analysis will consider best practices and market capabilities as well as detail how to build human capacity to deliver data-driven management within NPD. Ultimately, this product

will leave NPD with a detailed roadmap for achieving the data collection and reporting requirements of the Consent Decree as well as enhance NPD's crime analysis and community engagement needs. AH Datalytics project team will include Mr. Ben Horwitz as project lead and Mr. Jeff Asher providing analytic support. Mr. Horwitz created the nationally recognized Management Analytics for Excellence (MAX) data platform at the New Orleans Police Department to deliver data products to the public, command-staff, supervisors, and officers covering topics from crime analysis to Consent Decree compliance. Mr. Asher has expertise in delivering criminal justice data to the community through his work as the public safety consultant with the New Orleans City Council. In particular, the dashboards on crime and on key topics of the Consent Decree have enabled greater community engagement on these topics.

YOUTH ENGAGEMENT STRATEGY

NPD continues its efforts to establish a youth engagement strategy through the development of a guiding document which creates a framework for all officers that will help NPD focus its efforts and help guide future engagement with youth in a more efficient and consistent manner. During the reporting period, NPD met with members of the All Stars Project of Newark, a national nonprofit that uses a performance-based approach to help tens of thousands of inner-city youth and their families create success in their lives. The All Stars Project runs Operation Conversation: Cops and Kids in partnership with the NPD. The program is designed to foster positive interactions between the police and inner-city youth. It consists of a series of community workshops that use performance, improvisational games and conversation to help teenagers and police officers to develop and improve their relationship.

TRAINING STANDARDS

During the reporting period, NPD updated *General Order 18-28 Training Standards* with the assistance of the subject matter experts. This order has been updated to include new reporting and record keeping requirements, procedures for the selection of instructors and the successful completion of use of force training standards. The revisions include responsibilities of the Training Division Commander and Training Division personnel in the use of the PowerDMS system to maintain training records. This revision also includes a requirement for the Training Division to submit a weekly report containing a training schedule that includes topics that will be taught to

Division personnel for the upcoming twenty-eight-day period. The weekly report shall include a course description for all in-service training and outside training Division personnel are scheduled to attend.

COMMUNITY ENGAGEMENT

NPD continues to make community engagement, particularly outreach to youth, and the building of public trust a priority. During the reporting period NPD officers engaged the community in numerous ways. The Blueline Buddies is a program that allows police officers and underprivileged youth to bond over a night of hockey. Through the Blueline Buddies program, children and officers get to see games and meet professional hockey players. P.K. Subban, a defenseman for the New Jersey Devils, founded the program.

During the reporting period, NPD participated in over ninety toy drive events in an effort to give to less fortunate children the ability to experience the joys of the Holidays and continue to build positive relationships with the community. The Hope One program continued its successes during the reporting period by engaging with over three hundred community members, referring over seventy of those community members to rehabilitative and mental health services, training seventeen people on the use of naloxone and distributing fourteen naloxone kits.

NPD participated in over thirty community clean up events, where officers worked alongside community members to improve public spaces and encourage environmental stewardship. NPD command staff and Community Service Officers participated in over two hundred and fifty community walks with community members. NPD participated in over twenty coat drives during the reporting period to assist community members in need. NPD hosted Domestic Violence awareness workshops throughout the city to provide community members information as to what services are available to them and what they should expect from police during an incident of Domestic Violence.

Newark Police Explorers, an educational training program for youth on the duties, service, and structure of Policing and Law Enforcement, met with NPD during the reporting period. There are approximately forty active members in Newark Police Explorers Post #2808. The focus of the program is to provide a career-oriented curriculum that gives young adults a chance to explore a career in law enforcement through contact and training with NPD and other law enforcement

agencies. The Newark Police Explorers Program is available to qualified youth who have passed the 8th grade and are ages 14 through 21. NPD conducted over thirty anti-bullying workshops at schools to ensure youth have a better understanding of what bullying is and are equipped with the tools and resources to take action.

In response to the evolving COVID-19 pandemic, NPD officers continue to engage the community through community walks and distribution of essential supplies to those community members in need of assistance. NPD officers distributed over twelve hundred facemasks in April 2020 to community members as officers made attempts to educate community members on social distancing and the dangers associated with the novel corona virus.

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

In compliance with Paragraph 18 of the Consent Decree, the CDPD continues to submit the Community Policing Quarterly Report, which is posted to the NPD Consent Decree website, www.npdconsentdecree.org. The NPD is currently working to finalize the 2020 First Quarter Report.

POLICIES

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

- General Order 18-25 Complaint Intake & Investigation Process – Reissued 11/15/19
- General Order 18-28 Training Standards – Reissued 12/31/19

DOMESTIC VIOLENCE

The Monitor's Sixth Quarterly Report filed January 16, 2019 suggests their review of Internal Affairs investigations revealed several areas of concern related to NPD's handling of Domestic Violence assignments. In response, and during the reporting period, NPD took the following steps:

- Issued a Domestic Violence Policy for Employees in December of 2019, which delineates procedures and actions, NPD should take when an employee is involved in a Domestic Violence situation. The purpose of the policy is also to encourage employees who are victims of Domestic Violence to seek assistance from their human resource officers and provide a standard for human resource officers to follow when responding to employees.
- On October 2019, an In-service Training Bulletin alert was also issued via PowerDMS alerting officers of their responsibilities as it relates to the issuance of Temporary Restraining Orders for Domestic Violence victims.
- The Office of Professional Standards (OPS) continued reviews of random Domestic Violence calls for service. OPS is reviewing incident reports and associated body worn camera videos. These reviews continue to uncover areas where training could improve NPD's response to Domestic Violence incidents.
- In April of 2020, a training bulletin was issued as a reference guide for Domestic Violence incidents.

COMPLAINT INTAKE/OFFICE OF PROFESSIONAL STANDARDS INSPECTIONS

During the reporting period, members of the CDPD, conducted inspections of compliance with General Order 18-25 Complaint Intake and Investigation Process. The inspections sought to determine if NPD officers are properly taking and forwarding complaints made against officers in compliance with policy. CDPD staff members placed numerous calls to various precincts posing as victims. CDPD staff members remained anonymous and made allegations of officer misconduct. CDPD staff members then checked to see if complaints were properly filed as per policy. This inspection revealed most officers are compliant with policy, but there are areas where training could improve NPD officer's compliance with the Complaint Intake Policy. In response to these findings, members of the CDPD conducted numerous roll call trainings to remind officers of their responsibilities under the law, attorney general guidelines and NPD policies.

Office of Professional Standards investigations and disciplinary reviews were assessed for compliance with policy. This review also revealed gaps continue to exist regarding compliance

with the Complaint Intake and Investigation Process Policy by members of the Office of Professional Standards and NPD superiors.

During the reporting period, members of the CDPD conducted inspections of randomly selected Body Worn Camera videos and randomly selected Stop reports for compliance with policy. The following table summarizes the inspection outcomes.

Table No. 1 – Summary of Inspection Outcomes

	October 2019	November 2019	December 2019	January 2020	February 2020	March 2020	April 2020	Totals
<i>Non-Disciplinary Corrective Action</i>	0	0	3	0	0	0	2	5
<i>Warning Notices</i>	8	5	20	7	0	4	0	44
<i>Investigations of Personnel</i>	0	1	0	0	0	0	0	1

CONSENT DECREE AND PLANNING DIVISION CONFIDENTIAL INVESTIGATION

During the reporting period, Public Safety Director Anthony Ambrose issued a revision to General Order 18-04, *Consent Decree and Planning Division*, directing members of the CDPD to supersede the Office of Professional Standards at the discretion of the Public Safety Director and the Chief of Police to conduct internal inspections and confidential investigations.

On or about January 20, 2020, the Public Safety Director designated the CDPD as the lead investigative unit in collaboration with the Office of Professional Standards, to investigate a motor-vehicle accident involving an off-duty Newark Police Officer. The investigation stemmed from a motor-vehicle accident involving an off-duty Newark Police Officer, who was on his way to work. The driver of the other vehicle complained that the officer, who was in police uniform at the time, was drunk.

An administrative investigation was initiated immediately. During the course of the investigation other matters of a criminal nature were discovered, which involved several other Newark Police Officers. In total, three officers and one supervisor became targets of a criminal investigation. On Feb. 4, 2020, the Administrative Investigation was tolled by the Essex County Prosecutor's Office due to the criminal matters that surfaced. At that point, the Essex County Prosecutor's Office - Professional Standards Bureau took the lead over the investigation, with the NPD Investigators continuing to work on the investigation. On April 4, 2020, the four officers

were charged, pre-indictment, with a third-degree charge of tampering with public records and additional charges may be presented before a grand jury. The investigation is active and ongoing.

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 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 CDPD 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/>.

All policies are published on DPS's website when revised.

The following is transparency data is currently available on the 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

A meaningful shift in the transparency data has been observed in relation to excessive force complaints sustained against NPD officers. In 2016 there were 24 excessive force complaints filed against NPD officers. Of those 24, 2 (or 8.3%) were sustained. In 2019, there were 32 excessive force complaints made against NPD personnel, 11 (or 34.3%) of which were sustained. Many excessive force complaints have been generated internally by supervisors that have reviewed use of force reports and associated body worn camera video, where the victim/arrestee made no complaint. This is meaningful change and continues to demonstrate evidence of a culture shift within the NPD. The following table summarizes the percentage of sustained excessive force complaints by year.

Table No. 2 - Percentage of Sustained Excessive Force Complaints

<i>Excessive Force Complaints</i>	Total	Sustained	Percentage
2016	24	2	8.3%
2017	15	1	6.6%
2018	29	8	27.5%
2019	32	11	34.3%

FAIR AND IMPARTIAL POLICING TRAINING

During the reporting period, NPD started training officers and supervisors in implicit bias awareness provided by Fair & Impartial Policing®, LLC in compliance with *paragraph 63* of the Consent Decree. The program teaches officers how implicit biases can influence well-intentioned individuals outside their conscious awareness. The NPD Training Division has trained over 175 Division members including supervisors and officers. The training has been well received by personnel. The use of the tablets to administer tests, which automatically creates a training entry into the PowerDMS system has proven to be effective at streamlining the record keeping process and has eliminated antiquated manual record keeping processes.

However, due to the evolving COVID-19 pandemic, all classroom training has been suspended to comply with social distancing orders and to prevent the spread of the virus amongst the department. NPD is currently looking to resume training online, using the remote education methods, systems and best practices currently taking place throughout the country. The intent is to deliver the same content (PPTs, videos, lectures, interactions, assessments, etc.) as in the

classroom, only do it online. This would not be a permanent change in delivery methods. NPD intends to resume classroom training as soon as safe and practicable.

RESPONSE TO THE COVID-19 PANDEMIC

Our community is currently facing an unprecedented crisis. As of the date of the filing of this report, it appears Newark is nearing its apex of COVID-19 related deaths. Newark has the most deaths of any municipality in New Jersey, and Essex County has just become the county with the most deaths in the state. In response to the evolving COVID-19 pandemic, the Department of Public Safety declared an internal emergency on March 18, 2020.

The Newark Police Division directed efforts toward keeping personnel as disease free as possible and maintaining a continuity of essential operations by altering police schedules, the cancellation of all class room training, issuing personal protective equipment, adopting enhanced police reporting modalities and redeployed personnel, including those assigned to the CDPD, to perform critical city functions necessary to prevent the spread of COVID-19 and to respond to the rapidly changing needs of the community. Additionally, Public Safety Director Anthony Ambrose requested in writing on March 20, 2020, that all on-site inspections by the Independent Monitoring Team be postponed and or suspended until state health officials indicate that it is safe to resume such activities. NPD remains committed to providing professional service to its community by complying with Consent Decree mandates during these difficult times.

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 Eighth Status Report was filed electronically on May 8, 2020. 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
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