



NEWARK POLICE DIVISION GENERAL ORDER



SUBJECT: Consensual Citizen Contacts and Investigatory Stops		GENERAL ORDER NO. 18-14
SUPERCEDES: 97-8	DATED: 12/31/2018	SECTION CODE:

Related Policies:

General Order 17-06 "Bias-Free Policing"

This Order contains the following numbered Sections:

- I. PURPOSE**
- II. POLICY**
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I. PURPOSE

To ensure all officers of the Newark Police Division engage in best practices when interacting with people in the community at all times. All officers are guided by this General Order when they either informally come into contact with people in the community as part of a consensual contact or part of an investigatory stop.

Conducting investigatory stops of people without proper supporting justification is a violation of the 4th Amendment to the United States Constitution and Article 1, Paragraph 7 of the New Jersey Constitution. Such violations are a detriment to the positive relationship the Newark Police Division needs to have with the community.

II. POLICY

NPD will conduct all investigatory stops, searches, and arrests in accordance with the United States Constitution, the Constitution of the State of New Jersey, federal and state law. NPD will conduct investigatory stops, searches, and arrests fairly and respectfully as part of an effective overall crime prevention strategy that is consistent with community priorities for enforcement.

Investigatory stops must be supported by reasonable and articulable suspicion that a person is about to commit a crime, is in the middle of committing a crime, or has just committed a crime. Even with appropriately established reasonable suspicion, investigatory stops have limitations and are intended for police to confirm or dispel their suspicions.

Investigative stops are lawful to the extent they meet the requirements of the 4th Amendment to the U. S. Constitution, which provides that "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." Unlawful investigative stops can never be justified.

Article 1, Paragraph 7 of the New Jersey Constitution states: "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the papers and things to be seized."

The U.S. Supreme Court has set the investigative stop case law standard to be *Terry v. Ohio*, 392 U.S. 1 (1968). Pursuant to *Terry v. Ohio*, an officer can briefly detain a person, based upon reasonable suspicion of criminal activity, long enough to dispel the suspicion or to allow it to rise to the level of probable cause for an arrest. The officer in some circumstances is also permitted to conduct a limited "frisk" of the person without a warrant. Before the officer can frisk the subject, the officer must:



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1. Have reasonable grounds, based on specific and articulable facts that the person is armed and presently dangerous.
2. Limit the search to **patting down the outer garments** of the suspect to feel for objects that are believed to be weapons and only reach inside the clothing after feeling such objects.

The stopping of citizens based solely on a demographic category is illegal and morally wrong. It also constitutes bias-based policing and violates NPD's policies. (See Newark Police General Order 17-06 Bias-Free Policing). Any officer who engages in this activity is subject to discipline, civil liability, and/or criminal prosecution.

III. RESPONSIBILITY FOR COMPLIANCE

All Division personnel are responsible for complying with this Order. Supervisory and Command Officers shall ensure that subordinates are aware of, understand, and comply with this Order. All sworn officers will be subject to discipline for a violation of the contents of this Order.

IV. DEFINITIONS

- A. Bias-Based Policing** - The differential treatment of any person by members motivated by the specific characteristics, perceived or actual, of that person. This conduct is specifically prohibited. (See Newark Police General Order 17-06 Bias-Free Policing for more information).
- B. BlueTeam** - A computer application extension of IAPro. The application allows users to enter collected data from incidents, such as police pursuits, citizen contacts or stops, events where force is used, complaints regarding police, police involved accidents and administration of discipline to facilitate a complete capture of activities and allow for tracking.
- C. Community Policing** - A philosophy that promotes organizational strategies that support the systematic use of community partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.
- D. Conclusory** – Consisting of or relating to writing a conclusion without providing the explanation or justification for how the conclusion was reached.
- E. Consensual Citizen Contact** - A voluntary and consensual conversation between a person and the police that can be used to gather information about crime or quality of life issues. Under this type of contact an officer has no reasonable suspicion or probable cause, and the officer therefore has no power to stop or detain an individual who chooses not to participate in the contact.



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- F. Demographic Category** - A shared common characteristic of a population, including but not limited to, age, race, ethnicity, national origin, gender, gender identity, language ability, disability, political belief, sexual orientation, immigration status, economic status, or housing status.
- G. Event Number** – A number used by the Newark Police Division that is either linked to a particular call received from a member of the public requesting police services or can be generated by an officer of the Division to record that they are taking an action.
- H. Investigatory Stop / Detention** - A seizure of a person for investigative purposes. This seizure occurs when a police officer stops a citizen from moving about freely, by means of physical force or show of authority, in order to investigate a matter. The seizure may also occur if an officer uses words, actions or demeanor that would make a reasonable person believe that he or she is not free to leave. Stops of this manner need to be based on reasonable and articulable suspicion that a violation of law has just occurred, is occurring or is about to occur. An investigatory stop can come in different forms (i.e. pedestrian, motor vehicle, bicycle, etc.). Also known as a “Terry Stop.”
- I. Pretext Stop** – An investigatory stop or detention for a violation of law that an officer has reasonable and articulable suspicion for, but the officer's true motivation is to investigate a different offense, for which there is no reasonable suspicion at the outset of the investigatory stop or detention. A pretext stop can also mean that reason an officer presents for conducting a stop of a person is false and the justification is offered to mask the true motivation for conducting the stop.
- J. Pro Forma** – A standard use of wording, document or form used to justify an action that does not tie to the underlying events.
- K. Probable Cause** – Specific, and articulable facts to permit a reasonable person to believe that a subject committed a violation of the law or that evidence of a crime would be found in a search. Probable cause is a higher standard of evidence than having reasonable suspicion, but is less than then the beyond a reasonable doubt standard needed for conviction. Probable cause is a practical, non-technical probability.
- L. Reasonable Suspicion** – Specific, and articulable facts that, within the totality of the circumstances, would lead an officer to reasonably believe that a person has, is in the process of, or is about to engage in criminal activity. A person’s mere presence in an identified high crime neighborhood or area taken alone, does not rise to the level of reasonable suspicion. Reasonable suspicion is a lower standard than probable cause.



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M. Terry Frisk - A limited frisk or pat-down of the outer clothing of legally stopped subjects to determine whether the subjects possess weapons if officers reasonably suspect the subject(s) is armed and presently dangerous. It is not a generalized search of the entire person. The frisk for weapons is **strictly limited** to what is necessary to discover weapons that might be used to harm the officer or others nearby. **The frisk must be limited to a pat-down of outer clothing.** Once the officer ascertains that no weapon is present after the frisk is completed, the officer's limited authority to frisk is completed and the frisk must stop.

V. PROHIBITED ACTIONS

Newark Police Officers are prohibited from:

- A. Conducting a stop of a person when an officer lacks reasonable suspicion that the person has committed, is about commit, or is in the process of committing a violation of law;
- B. Conducting "pretext stops / detentions" of people or vehicles without prior approval of a Supervisor, unless it is not reasonably practical to obtain such approval. If officers cannot obtain supervisory approval prior to a "pretext" vehicle stop, they will obtain such approval as soon as possible after conducting the stop and will document why it was not practical to obtain prior approval;
- C. Using *pro forma* or conclusory language in a report, such as wording that makes claims without supporting evidence, or has little true meaning or importance. All supporting details shall be clearly documented for all investigatory stops or detentions. Examples of *pro forma* or conclusory language are "the suspect was frisked for officer safety" or "the suspect was detained based upon reasonable suspicion;"
- D. Using information known to be materially false or incorrect in effecting an investigatory stop or detention, in documenting the stop or detention, and in stating the reason for the stop or detention to the person was not free to leave;
- E. Using an individual's geographic location, without any other reliable indicator(s) that when added together in examining the totality of the circumstances amounts to reasonable suspicion, as a basis for an investigatory stop / detention. Examples of such include, but are not limited to, presence of a person in a high crime area or proximity of a person to the scene of suspected or reported crime;
- F. Basing investigatory stops / detentions solely on an individual's response to the presence of police officers, such as an individual's attempt to avoid contact with an officer;



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- G. Basing investigatory stops / detentions solely on information or evidence discovered after the stop was initiated (e.g. open warrants) or the fact that the individual was ultimately arrested. Information learned during the stop can lead to additional reasonable suspicion or probable cause that a crime has occurred and may lengthen the legally allowed time for the stop, but cannot provide justification for the original stop;
- H. Basing investigatory stops / detentions solely upon the fact that a person is in close proximity to someone who is suspected of criminal activity;
- I. Using any demographic category as a factor to any degree in establishing reasonable suspicion or probable cause during an unplanned enforcement activity. This conduct will be considered bias-based policing. The only exception to this is in circumstances where the specific suspect's description is from a trustworthy source relevant to place and time, and then only in combination with other detailed descriptors.
- J. Taking any steps, through words or conduct, that would make a person feel he/she is not free to leave during a voluntary citizen contact.
- K. Relocating someone who is the subject of an investigative stop / detention, and is not under arrest, a significant distance away from where they were stopped in order to conduct a show-up identification for a suspected offense. An officer conducting an investigative detention for eyewitness identification should "use the least intrusive investigative techniques reasonably available to verify or dispel his suspicion in the shortest period of time reasonably possible" (See *State v. Davis*, 104 N.J. 490, 504, 517 A.2d 859, 867 (1986));
- L. Asking for consent to search a motor vehicle unless the officer has a reasonable and articulable suspicion that the search will turn up evidence of a crime. Officers will document in writing the basis for this suspicion or other legal authority (See *State v. Carty*, 170 N.J. 632 (2002));
- M. Detaining, arresting, using force against, or threatening to detain, arrest or use force against individuals in response to activity protected by the First Amendment, including verbal criticism, questioning police actions, or gestures that do not give rise to reasonable fear of harm to officers or others; and
- N. Detaining, prolonging the detention of, arresting, using force against or threatening to detain, prolong the detention of, arrest, or use of force against an individual for remaining in the proximity of, recording or verbally commenting on officer conduct unless it violates the law, incites others to violate the law or refuses to comply with an officer's lawful order to observe or record from an alternate location because the bystander's presence would jeopardize a crime scene or the safety of an officer, the suspect or others.



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VI. PROCEDURES

A. Consensual Citizen Contact

Consensual citizen contact occurs when an officer comes into contact with a person within the community, either by chance or after responding to a specific call for service, who is not under suspicion of committing a crime and is free to leave at any point. Consensual citizen contacts can be a valuable opportunity to strengthen our bonds with the community and gather information that may help the Police Division act more effectively.

Citizen contacts may:

- be initiated when the officer believes that it may serve the interests of a community as a whole,
- occur absent any type of suspicion or probable cause and should not be treated as an investigatory stop, detention or arrest,
- occur wherever the officer has a legal right to be, such as in a public space, or somewhere the officer was freely invited into, or a place where a legal document (such as an arrest warrant or search warrant) grants them access.

During any type of voluntary citizen contact, a person may lawfully refuse to speak to officers, refuse to identify themselves, or otherwise not cooperate without consequence.

“The Fourth Amendment proscribes unreasonable searches and seizures; it does not proscribe voluntary cooperation,” as noted in *Florida v. Bostick* 501 U.S. 429, 437 (1991). Absent reasonable suspicion and/or probable cause, people have a constitutional right not to engage the police. Under these circumstances, people can choose to engage with officers, but can also decide to end the contact at any point.

If an officer perceives that a person’s action indicates an attempt to avoid police interaction (e.g. refusal to stop, failure of a person to respond to officer’s questions, remaining silent, not providing identification, or not wishing to give specific details during a citizen contact), the officer cannot use that behavior alone to justify transforming a citizen contact into an investigatory stop or detention.

During a consensual citizen contact, an officer may not take any steps, through words or conduct, that would make a reasonable person feel he/she is not free to leave during a voluntary citizen contact. Any such steps would convert the contact into an investigatory stop, or in some cases, an arrest. Both of which would require adequate levels of suspicion and would require an officer to document the specific facts that support that suspicion in the officer’s report.



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After coming into contact with a person in the community, either initiated by the officer or by the person, the officers shall be courteous, respectful, and professional.

During consensual citizen contacts officers should keep in mind and utilize de-escalation techniques during all situations where appropriate.

B. Investigatory Stop / Detention

During an investigatory stop and where the subject of the stop is not under arrest, an officer may not relocate the subject of an investigatory stop / detention a significant distance away from the stop location to conduct a show-up identification for a suspected offense.

In order to conduct an investigatory stop / detention an officer must be able to articulate facts amounting to reasonable suspicion that the person they wish to stop has just committed a violation of the law, is about to violate the law, or is currently violating of the law.

These facts must be documented in the officer's report. The report cannot simply include *pro forma* or conclusory language, but rather must contain specific, individualized descriptive language that establishes the existing reasonable suspicion. If officers wish to stop or detain multiple people, then the officer needs individualized reasonable and articulable suspicion for each person who is stopped.

The purpose of an investigatory stop or detention is to determine, within a reasonable amount of time, that an officer can establish enough facts to determine if there is probable cause that the person has committed a crime.

- If probable cause is not established, then the person is free to leave and the stop will be reported in a "Stop Report" (DP1:1388) within the Newark Police Division Records Management System.
- If probable cause is established, then the officer will take the appropriate enforcement action, such as issuing a summons or executing an arrest, and will document the investigatory stop accordingly.

The reasonableness of an investigatory stop is based on the totality of the circumstances, the officer's training and experience, and what the officer knew **before** the stop was initiated. Information learned during the stop cannot provide justification for the original stop, but can lead to additional reasonable suspicion or probable cause that a crime has occurred.

When an officer has reasonable and articulable suspicion that a person(s) is about to violate the law, has violated the law or is in the process of violating the law, the officer may stop the person and:

1. Will be courteous, respectful, and professional.



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2. As early in the contact as safety permits, officers shall introduce him or herself to the citizen (providing name, rank or title, agency affiliation and that the stop is being recorded, if applicable), and state the reason for the stop. This information shall be provided to the subject prior to requesting their information.
3. Request identification. If the person does not have available identification or refuses to provide identification, the officer shall obtain all the available information necessary to complete a "Stop Report" (DP1:1388) within the Newark Police Division Records Management System in accordance with section "VI. Reporting Requirements" of this General Order.
4. Upon belief and reasonable and articulable suspicion that the person stopped is carrying something that could be used as a weapon and is a danger to officers or others, officers should conduct a protective "Terry Frisk" of the person they believe may be armed.
5. Detain the person for only the reasonable amount of time that is needed to confirm or dispel the officer's suspicion for the violation of law. Any delays or extension of the detention period in order for officers to complete necessary actions must be objectively reasonable; officers may not extend the detention of a person solely to await the arrival of a supervisor. Officers will take all reasonable measures to ensure the citizen understands the purpose of reasonable any delays.
6. If an officer has reasonable and articulable suspicion to believe a weapon or contraband is present and wishes to obtain consent from a citizen to conduct a search, officers will affirmatively inform the subject of their right to refuse and to revoke consent at any time. The Consent to Search form (DP1:1493-10M) will be used and explained to the consenting party and completed by the officer. Officers will have the consenting party, if they wish, sign the Consent to Search form only if the person affirms that they understand the waiver of their rights.

The officer will make every possible attempt to record this interaction on an issued Body Worn Camera, In Vehicle Camera or other authorized electronic recording device. If the officer is unable to capture the interaction in a recording then the officer shall articulate, in writing or on camera, all the reasons why they were unable to record the event.

7. If a vehicle is involved in the investigatory stop, an officer is prohibited from asking for consent to search the motor vehicle unless the officer has a reasonable and articulable suspicion that the search will turn up evidence of a crime. Officers will document in writing the basis for this suspicion or other legal authority. (*State vs. Carty*, 170 N.J. 632 (2002)).



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8. If probable cause is found to exist before the end of the investigatory stop / detention, then the officer will execute the appropriate enforcement action(s) and complete the necessary reports to document the incident.
9. Officers will answer any questions the citizen may have, including explaining options for traffic summons dispositions, if relevant.
10. Officers will provide his or her name, badge number and Event Number for the investigative stop / detention when requested, in writing or on a business card (if authorized).
11. Officers will offer an explanation for the circumstances and reasons for the stop.
12. Officers will fully document all stops as soon as possible, but no later than by the end of the officer's workday.

Information or descriptions resulting from an anonymous tip is **not sufficient**, by itself, to establish reasonable suspicion or probable cause that could justify a stop, frisk, detention, or arrest. If acting on an anonymous tip, the officer must further develop the information provided in the tip into reasonable and articulable suspicion prior to stopping a subject. An officer's observations at the scene, additional information secured from the anonymous caller and other circumstances can establish reasonable suspicion that the subject has violated or is about to violate the law, but such information must be collected before a stop is conducted.

If a person who has been stopped lawfully refuses to identify him/herself, the officer will still attempt to confirm the reasonable and articulable suspicion for which the stop was originally based upon. If probable cause is **not** established within a reasonable amount of time, officers will allow the person to depart and will document the stop just as any other. The officer reporting the information about the stop shall then:

- a. enter REFUSED in the appropriate spaces of the report generated for the subject's information which was unable to be obtained.
- b. record all physical description information of the subject of the report.
- c. record information of a motor vehicle, if involved.
- d. enter the time, date, location, and duration of the stop.
- e. enter any necessary remarks, and submit the information for approval by the supervisor.



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While performing investigatory stops / detentions officers should keep in mind and utilize de-escalation techniques during all situations where appropriate to assist agitated or anxious people understand, manage and resolve their concerns.

VI. REPORTING REQUIREMENTS

- A. Documentation of an interaction between a person and the police is **required when the person stopped does not feel free to leave**. Because a stopped person's perception should be considered in determining what must be reported, it is incumbent on the officer to make sure that people know that they are free to leave, or are being stopped / detained.
- B. Information for each person stopped must be documented by completing a "Stop Report" (DP1:1388) within the Newark Police Division Records Management System. If a motor vehicle was involved as part of the stop, the registration, make, model and vehicle identification number information shall be included in the entry. A separate record shall be generated for each person that was stopped. The entries shall be cross referenced under the same Event Number if multiple people were stopped during or surrounding one specific incident.
- C. All data entries of stop information must have a corresponding Event Number. If an officer is on a dispatched assignment and conducts an investigatory stop/detention, the officer will use the Event Number from the dispatched assignment; otherwise, the officer will generate a new Event Number for the appropriate type of police action taken in order to complete the entry of the stop data.
- D. The following information is required to be entered in an officer's report for all stops:
 1. date and time of the stop;
 2. the officer's name and badge number;
 3. location of the stop;
 4. start time, end time and duration of the stop;
 5. clearly articulated reasonable suspicion justifying the investigative stop;
 6. if a vehicle stop results in a search, the presence and number of any passengers and the officer's perception of the gender, race, ethnicity, national origin, and age of each passenger, unless such data collection creates an undue delay by prolonging the stop (i.e. passenger bus filled with people);
 7. if a vehicle stop, whether the driver or any passenger was required to exit the vehicle, and the reason for doing so, unless such data collection creates an undue delay by prolonging the stop (i.e. passenger bus filled with people);



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8. if a non-vehicle stop such as a pedestrian or bicycle, the number of individuals stopped and the officer's perception of the gender, race, ethnicity, national origin, and age of each person;
9. reason for the stop, including a description of the facts creating reasonable suspicion and whether it was a pretext stop;
10. whether any individual was asked to consent to a search and whether such consent was given; whether a pat-down, frisk or other search was performed on any individual, including a description of the facts justifying the action;
11. a full description of any contraband or evidence seized for any individual;
12. whether a probable cause search was performed on any individual, including a brief description of the facts creating probable cause; and
13. disposition of the stop, including whether a citation or summons was issued to or an arrest was made of any individual.
14. If a person has been stopped lawfully refuses to identify him/herself, the officer will still attempt to confirm the reasonable and articulable suspicion for which the stop was originally based upon. If probable cause is not established within a reasonable amount of time, officers will allow the person to depart and will document the stop just as any other. The officer reporting the information about the stop shall then enter "REFUSED" in the appropriate spaces of the report generated for the subject's information that this officer could not obtain. The officer will record the subject of the report's physical description information.

VII. SUPERVISOR RESPONSIBILITIES

All entered investigative stop data information will be reviewed and approved by the appropriate desk, MAPS, or specialized Unit Supervisor by the end of the submitting officer's tour of duty, who will ensure that the entry is properly completed. The entry must show sufficient facts exist to justify the investigative stop and, if necessary, protective frisk.

Investigative stop entries failing to meet the reasonable suspicion standard shall be rejected and returned to the officer so the reporting person can include all necessary factual information from the stop. The Supervisor will ensure the officer(s) who conducted the investigative stop and are completing the required report(s) fully understand the legal standards and reporting requirements surrounding such an action.

Supervisors approving reports will review all written documentation of investigatory stops and detentions, searches, and arrests for boilerplate language, accuracy, completeness and adherence to law and division policy.



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Supervisors will also review all relevant video recordings for all incidents where the supervisor suspects that the officers' conduct may not have complied with law and Division policy.

On a continuous basis, supervisors will also review a random selection of video recordings of stops and detentions, searches and arrests amounting to a minimum of 10 percent of all stops and detentions, searches, and arrests.

Upon reviewing videos of investigatory stops and detentions, searches, and arrests, Supervisors shall submit an administrative report (DP1:1001) filed under the event number for the corresponding video reviewed by the end of their tour of duty, listing:

- The event number
- The name(s) of the officer(s) who recorded the video(s) and type of video they recorded (e.g. body worn camera video, in-car video, or both)
- The reason for reviewing the video (e.g. random review, recovery of contraband, stop, search, detention, arrest, suspected non-compliance with NPD policy or law)

Supervisor reviews will also identify the following:

- investigatory stops and detentions that appear unsupported by reasonable and articulable suspicion, or that are otherwise in violation of Division policy;
- searches that appear to be without legal justification or are in violation of Division policy;
- stops or searches that, while comporting with law and policy, indicate a need for corrective action or review of agency policy, strategy, tactics, or training to support effective and legitimate policing principles.

All Supervisors, in consultation with the Unit Commander (or command-level official) of the officer who submitted an inadequate report, will take appropriate action to address all apparent violations or deficiencies in investigatory stops or detentions, searches, and arrests. The nature of some errors may require retraining while others may warrant initiating disciplinary action. Appropriate action may include recommending non-disciplinary corrective action for the involved officers, or referring the incident for administrative or criminal investigation.

For each subordinate, the supervisor will maintain a record of each violation or deficiency and any corrective action taken in BlueTeam. The supervisor will document each violation or deficiency in the officer's performance evaluations and Newark Police Division's Early Warning System to identify officers needing repeated corrective action. Supervisors shall submit their reviews to the unit commander for additional review.



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The approving supervisor will document for review by their chain of command in an Administrative Report (D.P.I. 1001) and in BlueTeam:

- investigatory stops and detentions that appear unsupported by reasonable and articulable suspicion, or that are otherwise in violation of Division policy;
- searches that appear to be without legal justification or are in violation of Division policy;
- stops or searches that, while comporting with law and policy, indicate a need for corrective action or review of agency policy, strategy, tactics, or training to support effective and legitimate policing principles.

Within seven days of receipt, a command-level official will confirm in writing that he or she has reviewed any stop or detention, search, and arrest conducted by the officer under their command that another Supervisor determined were: not supported by probable cause; were in violation of NPD policy or this Agreement; or that indicated a need for corrective action or review of agency policy, strategy, tactics, or training.

The Commander will evaluate the Supervisor's assessment and recommendations and take all appropriate corrective action, including referring the incident to the Office of Professional Standards for investigation, if warranted. The Commander will also take appropriate corrective or disciplinary action against Supervisors who fail to conduct complete, thorough, and accurate reviews of officers' investigatory detentions, searches, and arrests.

Supervisory and Commander performance evaluations will take into account the quality and completeness of Supervisor and Commander reviews of officer stops, searches, and arrests.

VIII. ADMINISTRATIVE REVIEW

Cumulative and quarterly demographic analyses of the enforcement activities of Newark Police Division officers will be conducted by the Commander of the Office of Professional Standards, or his/her designee, to ensure that the tenets of this General Order are implemented and adequately monitored.

The Commander of the Office of Professional Standards, or his/her designee, to identify and evaluate trends, outliers, or other relevant indicators. This data will be analyzed and weighed based on the type of enforcement activities, officer unit or assignment, demographics of subjects, shift or time of day, force used and resistance encountered, and peer comparisons.

This data shall be based on accurate, complete, and reliable information, including but not limited to:

- a) Misconduct complaints;
- b) Stop, detention and arrest data;
- c) Use of force analysis; and



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d) Enforcement practices based on community input.

Officers, including supervisors found to have violated this Order will be subject to disciplinary action (including counseling, mediation and training) up to and including termination.

IX. TRAINING

Newark Police Division shall provide training on this topic to all new recruits and current officers of the Newark Police Division.

NPD will ensure that all officers receive, at a minimum, an initial sixteen (16) hours of comprehensive and interdisciplinary training on stops, searches and arrests, which includes voluntary police citizen contacts and investigatory stops.

Thereafter, a minimum of four (4) hours of training shall be given annually based on New Jersey law, federal law and/or NPD policy. Training will include:

- A. The requirements of the 4th Amendment to the United States Constitution, Article 1, Paragraph 7 of the New Jersey Constitution, Attorney General Directives and related law, NPD policies (General Orders), and the Consent Decree regarding investigatory stops and detentions, searches and seizures, including:
 - 1. the differences among the scope and degree of intrusion of various police contacts; between probable cause, reasonable and articulable suspicion and mere speculation; and between voluntary consent and mere submission to police authority;
 - 2. the types of facts and circumstances that may be considered in initiating, conducting, terminating, and expanding an investigatory stop or detention;
 - 3. the level of permissible intrusion when conducting searches, such as “pat-downs” or “Terry Frisks”;
 - 4. the permissible nature and scope of other pre-arrest searches, including those conducted pursuant to probation or parole release provisions; and
 - 5. the permissible nature and scope of searches incident to arrest.
- B. The effect that differing approaches to stops, searches, and arrests can have on community perceptions of police legitimacy and public safety.



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XI. EFFECT OF THIS ORDER

All previous Orders and Memorandums which are inconsistent or in conflict with this Order are hereby repealed.

BY ORDER OF

A handwritten signature in blue ink, consisting of stylized, overlapping letters that appear to be "AFA".

**ANTHONY F. AMBROSE
PUBLIC SAFETY DIRECTOR**

AFA/BO/jg

Attachment A – Stop Report (DP1:1388)

Attachment B – Consent to Search Form (DP1:1493-10M)