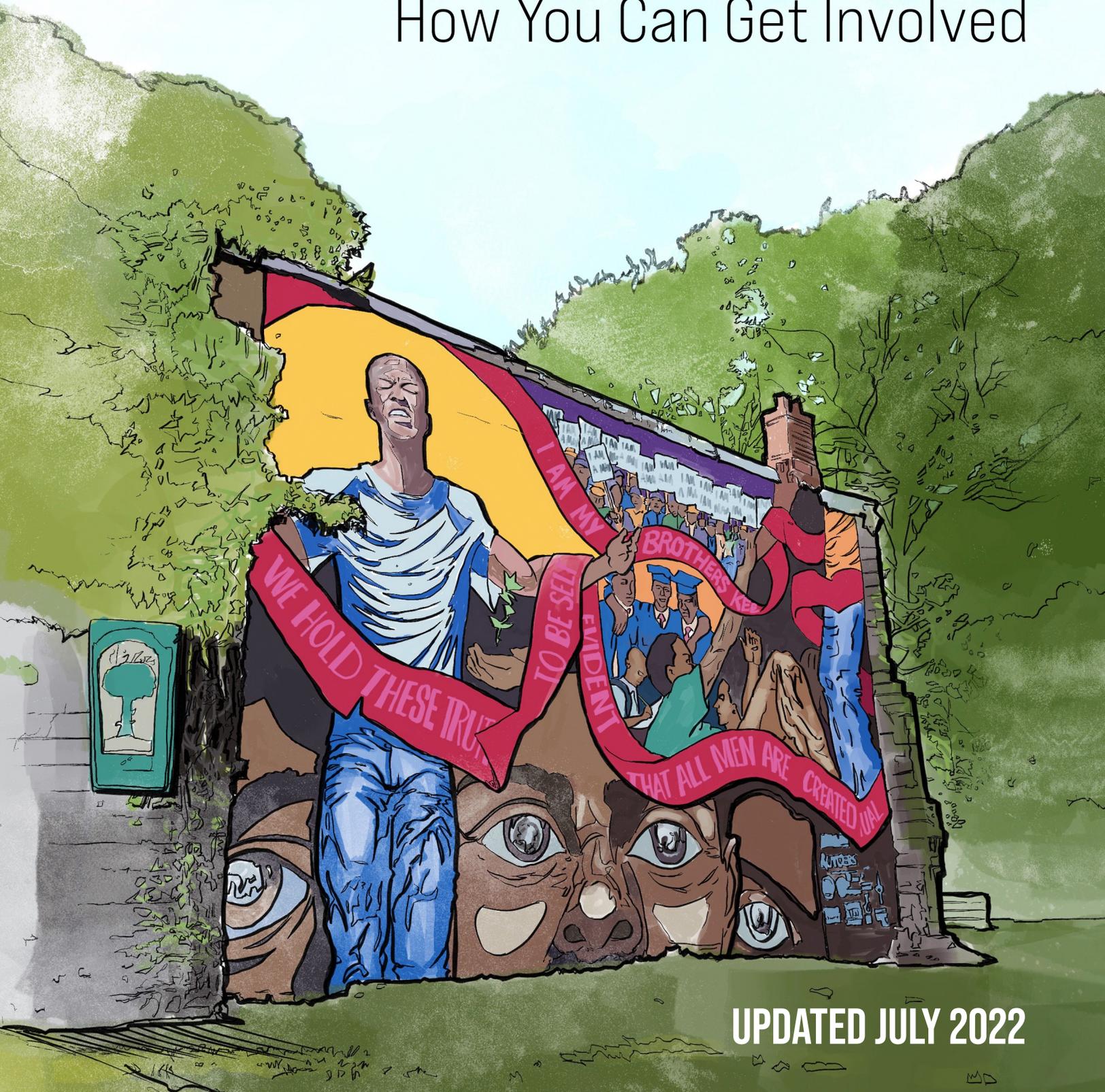


# TRANSFORMING POLICING IN NEWARK

## How You Can Get Involved



UPDATED JULY 2022



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## THE ONGOING EFFORT TO TRANSFORM POLICING IN NEWARK: 55 YEARS IN THE MAKING

Going back to the Newark Rebellion sparked by the 1967 brutal police beating of Black cab driver John Smith, the people of the City of Newark have advocated fiercely for a transformed police department.<sup>1</sup>

In 2020, people across the nation took to the streets to protest violent and racially discriminatory encounters with police after the murder of George Floyd,<sup>2</sup> who joined many other Black people who have lost their lives at the hands of the police.<sup>3</sup>

Those protests occurred in Newark, too. But the protests in Newark were, in important ways, distinct from those in other cities across America. Newark's protests were peaceful<sup>4</sup> and occurred within the context of the Newark Police Division (NPD) not having fired a single shot in 2020.<sup>5</sup>

But why?

The answer, in significant part, is that the advocacy of Newark residents led to a Consent Decree between the Department of Justice (DOJ) and the City of Newark, initiated in 2010. The work done under the Consent Decree, now in its sixth year, has helped begin the transformed policing Newark residents have sought for over half a century.

The New Jersey Institute for Social Justice serves on the Independent Monitoring Team overseeing Consent Decree reforms to the NPD. In addition to providing technical support to the NPD on its policies and community engagement efforts, the Institute aims to center the community in the reform process through public meetings, the creation and adoption of police policies and ongoing community feedback.

While we have made important strides toward building a system of accountability in the NPD, we have work still to do.

This pamphlet seeks to provide Newark residents with an understanding of the Consent Decree process and concrete steps on how to become engaged with this important reform effort. Specifically, this pamphlet contains the following sections:

I. What is a Consent Decree?: In this section, we explain the meaning of consent decrees and how they are used in police reform.

II. The Newark Consent Decree: In this section, we discuss the events that led to the Newark Consent Decree.

III. What Has Been Done?: In this section, we outline the status of the reforms that are taking place within the NPD as part of the Consent Decree.

IV. Where Are We Now? The Auditing Process: In this section, we explain how the auditing process works and the status of the NPD Consent Decree audits.

V. What Can You Do?: In this section, we outline eight ways Newark residents can participate in the Consent Decree process.



## I. WHAT IS A CONSENT DECREE?

A consent decree is an agreement, entered as a court order, that requires police departments to undergo a series of reforms through new policies, trainings and data system upgrades. Since the passing of the 1994 Violent Crime Control and Law Enforcement Act, which gave the federal government the power to investigate law enforcement agencies for systemic issues,<sup>6</sup> DOJ has entered into numerous consent decrees with police departments across the nation.<sup>7</sup>

## II. THE NEWARK CONSENT DECREE

Newark's consent decree process was initiated in 2010 when the ACLU-NJ filed a petition in district court requesting that DOJ investigate the NPD, alleging the department engaged in a pattern of misconduct and unconstitutional practices. The alleged practices included the following:

- Violence towards residents, through both intentional excessive force and negligence<sup>8</sup>
- False arrests and stops without reasonable suspicion of criminal activity<sup>9</sup>
- Planting evidence and other corrupt practices<sup>10</sup>

The DOJ granted the ACLU-NJ's petition and launched an investigation. In its 2014 investigative report, DOJ concluded that the NPD demonstrated a pattern of unconstitutional policing patterns, including regularly conducting citizen stops in violation of the Fourth Amendment.<sup>11</sup> Specifically, the investigation found the following issues:

- NPD had no legal basis for 75% of pedestrian stops.<sup>12</sup>
- About 20% of the NPD's recorded use of force was unreasonable.<sup>13</sup>
- Newark residents were routinely being stopped by police for simply "milling," "wandering" or "loitering."<sup>14</sup>
- Newark's Black residents were disproportionately subject to unconstitutional stops and arrests.<sup>15</sup>

## II. THE NEWARK CONSENT DECREE, CONTINUED

In response to DOJ's findings, the City of Newark and DOJ entered into a consent decree ("the Consent Decree"), which required the NPD to undergo a series of reforms. The Newark Consent Decree was signed in May 2016 and mandates that NPD draft and train officers on new policies across many areas including use of force, body-worn cameras and community policing. That same year, an Independent Monitoring Team comprised of advocates, attorneys and experts was appointed to oversee the city's compliance with the Consent Decree. The Institute was asked and agreed to serve on the Independent Monitoring Team as subject matter experts on Community Engagement and Bias-Free Policing.

The Consent Decree process was originally intended to be completed within a five-year period, with an agreement between the City of Newark and the DOJ that it could potentially go longer if the parties could not agree on whether the NPD has achieved "substantial compliance" with it.

After the completion of the original five-year period in July 2021, the Consent Decree was extended by the court by two years, with a new end date of October 2023. The Consent Decree evaluation period was delayed in part by the COVID-19 pandemic and the resulting state of emergency in New Jersey and Newark. If after these seven years the DOJ and the City of Newark cannot agree on whether there has been substantial compliance, either party may petition the court to end the agreement. If the City of Newark seeks to end the agreement, it must demonstrate that it has been in full and effective compliance with the Consent Decree for at least the past two years.

For more information about how the Consent Decree can be terminated, read paragraphs 223 and 224 of the Consent Decree, available here: [https://npdmonitor.wpengine.com/wp-content/uploads/2016/06/npd\\_filed\\_consent\\_decree\\_0.pdf](https://npdmonitor.wpengine.com/wp-content/uploads/2016/06/npd_filed_consent_decree_0.pdf).

## III. WHAT HAS BEEN DONE?

Under the Consent Decree, the NPD is required to develop and adopt a number of new or revised policies and then train its officers on those policies.<sup>16</sup> Throughout the development of new policies and trainings, the NPD received feedback from many community groups and organizations, including Equal Justice Works USA, Newark Community Street Team, Ironbound Community Corporation, Newark NAACP, People's Organization for Progress, Hetrick-Martin Institute of New Jersey and the All Stars Project of New Jersey.

The statuses (as of July 2022) of the new policies and trainings created and implemented under the Consent Decree are outlined below.

## NEW POLICIES

As part of the Consent Decree process, the NPD drafted a series of new or revised policies, including the following:

- Bias-Free Policing
- Body-Worn Cameras
- In-Car Cameras
- Use of Force
- Use of Force Reporting, Investigation and Review
- Firearms and Other Weapons
- Stops
- Searches
- Arrests
- Community Policing
- Property and Evidence Management
- Property and Evidence Division
- Complaint Intake and Investigation
- The Disciplinary Process
- LGBTQ Community and Police Interactions<sup>17</sup>
- First Amendment Right to Observe, Object to and Record Police Activity<sup>18</sup>

## NEW TRAININGS

The Consent Decree requires the NPD to train officers on the above new policies and reforms.



*Image Credit: Mural by Camille Cote*

## ANNUAL COMMUNITY SURVEY RESULTS

Since the start of the Consent Decree, the Independent Monitor has conducted an Annual Community Survey to capture changes in how Newark residents perceive the NPD and public safety. The Independent Monitor completed its most recent community survey in 2020 with the results published in the Fifteenth Quarterly Report.<sup>19</sup> Results from this survey include the following:

- When asked if they would ask an NPD officer for help, 78% of respondents said they would be “very” or “somewhat” likely to.
- More than half of the respondents said they were either “very” or “somewhat” worried about becoming the victim of a crime.
- Just over half of the respondents (56%) said they would give information to the NPD if they witnessed a crime.
- Two-thirds of respondents (66%) would like an increase in the number of NPD officers patrolling in their neighborhood.
- When asked if the NPD uses “more force than necessary,” 35% said “some of the time” while 10% said “most of the time” and nine percent said “all of the time.”
- More than one-third of respondents (37%) reported never having a “positive experience” with an NPD officer.
- When asked if they would be concerned about the use of excessive force upon them by the NPD, more than one-third (35%) of respondents stated they were “very concerned” and 18% stated they were “somewhat concerned.”
- More than half of respondents agreed that the NPD “treats some members of the community better than others” and approximately 50% agreed that Black individuals specifically were treated “worse” by NPD officers.

The Independent Monitor is no longer required to conduct the Annual Community Survey. The City of Newark and the NPD are responsible for conducting future surveys.

For more information about the annual community surveys, read the Independent Monitor’s 2nd and 8th Quarterly Reports here: <https://www.newarkpdmonitor.com/reportsresources/>.

## IV. WHERE ARE WE NOW? THE AUDITING PROCESS

The Consent Decree requires the Independent Monitor to conduct outcome assessments, referred to as “audits.” This means the Independent Monitor will make sure the NPD is actually implementing the new reforms in the field. Before the Independent Monitor can audit a particular reform area, the NPD must first adopt the new policies and administer all the required trainings.

When conducting an audit, the Independent Monitoring Team will review records and data, randomly identified and selected by the Independent Monitor, to determine whether the NPD is in “substantial compliance”<sup>20</sup> with the Consent Decree reforms. After two consecutive periods of substantial compliance in a reform area, the NPD will be relieved from future audits in that particular area. To pass an audit, NPD must meet a 95% compliance rate – a standard that has also been imposed by the DOJ nationwide for other police departments placed under a consent decree. Once the NPD achieves two consecutive periods of substantial compliance in all of the reform areas, the Consent Decree can be brought to an end.

The COVID-19 pandemic delayed the Consent Decree process. In March 2020, the NPD suspended its in-classroom training, but resumed mandatory training in July. Audits that must be conducted onsite at police headquarters were also suspended, but later resumed in some circumstances. The Independent Monitoring Team arranged for some portions of the audits to be conducted remotely, but ran into some difficulties, specifically with the Searches Audit.

### COMPLETED AUDITS

The information below will specify whether the NPD has passed or failed each audit and if the NPD will continue with further audits.

## **TRAINING RECORDS**

The Independent Monitoring Team has completed its third audit of NPD's training records, which analyzed whether the NPD: (1) administered Bias-free Policing training to relevant personnel (see Consent Decree Paragraph 173) and (2) maintained physical training records and related materials in its training unit (see Consent Decree Paragraph 12).

Concerning the first component of this audit – whether NPD officers administered the required Bias-free Policing Training to relevant personnel – the Independent Monitoring Team found that 194 out of 200 officers assessed (97%) had been issued a Bias-free Policing training certificate, meaning that the officers had attended the training and passed the post-training assessment or received remedial instruction. The NPD would achieve compliance with the Consent Decree's training records requirements only if at least 95% of all officers in the sample had received the required trainings. On this benchmark, the Independent Monitoring Team determined that the NPD has successfully administered Bias-free Policing training to relevant members.

For the second component of this audit – the NPD's maintenance of training records – the Independent Monitoring Team found the NPD to be in compliance. All training records and materials reviewed by the Independent Monitoring Team were accessible and maintained in a satisfactory manner.

Since the NPD has achieved compliance in this area for two consecutive years, the NPD will be relieved from assessment of Consent Decree Paragraph 12 in future audits.

## **BODY-WORN CAMERAS**

The first Body-worn Camera Audit was completed in December 2019. The full audit report can be found in Appendix E of the Independent Monitor's Twelfth Quarterly Report.<sup>21</sup>

## OVERVIEW OF FIRST BODY-WORN CAMERA AUDIT RESULTS

| OBJECTIVE NO. | OBJECTIVE DESCRIPTION  | NUMBER OF POPULATION | NUMBER OF VIDEOS MEETING STANDARD | PERCENT OF VIDEOS MEETING STANDARD (COMPLIANCE REQ. 95%) |
|---------------|--|----------------------|-----------------------------------|--|
| 1             | Activation: Was the body-worn camera activated according to policy?  | 270                  | 245                               | 90.7%  |
| 2             | Notification: Was the subject notified that the camera is recording at the earliest opportunity that is safe and feasible? | 195                  | 152                               | 78%  |
| 3             | Deactivation: Was the body-worn camera deactivated according to policy?  | 261                  | 252                               | 96.6%  |
| 4             | Categorization: Is the video categorized properly?   | 261                  | 248                               | 95%  |

The NPD passed objectives No. 3 (deactivation) and No. 4 (categorization) based on their scores above 95% in those categories. The NPD failed objectives No. 1 (activation) and No. 2 (notification) based upon their scores below 95% in those categories. Correspondingly, NPD failed the first Body-worn Camera Audit.

The second Body-worn Camera Audit was completed in 2020. The full audit report can be found in Appendix B of the Independent Monitor’s Twentieth Quarterly Report.<sup>22</sup>

### OVERVIEW OF SECOND BODY-WORN CAMERA AUDIT RESULTS

| OBJECTIVE NO. | OBJECTIVE DESCRIPTION  | NUMBER OF VIDEOS MEETING STANDARDS | NUMBER OF VIDEOS ASSESSED | PERCENT OF VIDEOS MEETING STANDARD (COMPLIANCE REQ. 95%) |
|---------------|--|------------------------------------|---------------------------|--|
| 1             | Activation: Was the body-worn camera activated according to policy?  | 253                                | 266                       | 95.1%  |
| 2             | Notification: Was the subject notified that the camera is recording at the earliest opportunity that is safe and feasible? | 121                                | 154                       | 78.6%  |
| 3             | Deactivation: Was the body-worn camera deactivated according to policy?  | 255                                | 255                       | 100%   |
| 4             | Categorization: Is the video categorized properly?   | 250                                | 255                       | 98%  |

The NPD passed objectives No. 1 (activation), No. 3 (deactivation) and No. 4 (categorization) based on their scores above 95% in these categories.

The NPD failed objective two (notification) based on their scores falling below 95%.

Since the NPD has achieved compliance in objectives No. 3 (deactivation) and No. 4 (categorization) for two consecutive audits, it will be relieved from assessment of these objectives in future audits.

## USE OF FORCE

The first Use of Force Audit was completed in June 2021. The full audit report can be found in Appendix C of the Independent Monitor’s Eighteenth Quarterly Report.<sup>23</sup>

### OVERVIEW OF FIRST USE OF FORCE AUDIT RESULTS

| AUDIT SUBJECT   | CONSENT DECREE PARAGRAPH(S)               | COMPLIANCE? (REQUIREMENT: 95%)  |
|---|---|---|
| <p><b>Substantive Operational Compliance</b><br/>Whether all officers who employed force acted consistently with the fundamental principles of NPD’s Use of Force policy.</p> | <p><b>Paragraphs 67, 71-73</b></p>        | <p><b>No. 92.9% of use of force incidents reviewed by the Monitoring Team complied with the substantive requirements in NPD’s applicable Use of Force Policy.</b></p> |
| <p><b>Reporting Operational Compliance</b><br/>Whether NPD officers complied with NPD’s use of force reporting requirements.</p>  | <p><b>Paragraphs 75-84, 88</b></p>        | <p><b>No. 75.0% of use of force incidents reviewed by the Monitoring Team complied with the reporting requirements in NPD’s applicable Use of Force Policy.</b></p>   |
| <p><b>Reporting Operational Compliance</b><br/>Whether NPD officers complied with NPD’s use of force reporting requirements.</p>  | <p><b>Paragraph 174(b) (i)-(viii)</b></p> | <p><b>Yes.</b></p>  |

The NPD passed the “Outcome Assessments” objective (for the first time) but failed the “Reporting Operational Compliance” and “Substantive Operational Compliance” objectives. Correspondingly, the NPD will face a future audit for all three objectives.

## STOPS

The first Stops Audit was completed in December 2021. The full audit report can be found in Appendix C of the Independent Monitor’s Nineteenth Quarterly Report.<sup>24</sup>

### OVERVIEW OF FIRST STOP AUDIT RESULTS

| AUDIT SUBJECT  | CONSENT DECREE PARAGRAPH(S) | COMPLIANCE?   |
|--|-----------------------------|---|
| <b>Operational Compliance</b><br>Whether NPD officers complied with NPD’s stop policy, including reporting requirements. | Paragraphs 25-28            | No. Overall, 71.6% of stops were compliant both substantively and with respect to documentation. (Requirement: 95%) |
| <b>Outcome Data</b><br>NPD’s production of aggregate stop data required by the Consent Decree.                           | Paragraph 174(a)(i)-(iii)   | No. CAD data <sup>25</sup> provided by NPD is preliminary in nature and is not a sufficiently accurate source.      |
| <b>Training</b>  | Paragraph 43                | Yes. The Monitoring Team previously reviewed and approved NPD’s Stops Searches and Arrests training.                |
| <b>Stop, Search, and Arrest Data Collection and Review</b>   | Paragraphs 51-54            | No. NPD did not provide the Monitoring Team with the required materials for this audit.                             |

The NPD passed the “Training” objective but failed the “Operational Compliance,” “Outcome Data” and “Stop, Search and Arrest Data Collection and Review” objectives.

Given that this is the first audit, the NPD will continue to face audits on all objectives.

## COMMUNITY-ORIENTED POLICING

The first Community-oriented Policing Audit was completed in June 2021. The full audit report can be found in Appendix D of the Independent Monitor’s Eighteenth Quarterly Report.<sup>26</sup>

| CONSENT DECREE | DESCRIPTION   | COMPLIANCE? |
|----------------|---|-------------|
| PARAGRAPH 14   | NPD will provide “direction and training” to officers on how to achieve effective community engagement.   | No          |
| PARAGRAPH 15   | NPD will assess and revise its staffing allocation to improve community- oriented policing practices.   | Provisional |
| PARAGRAPH 16   | NPD must assign two Community Service Officers to each precinct who will become familiar with community and not be assigned to calls for service except in exigent circumstances. | No          |
| PARAGRAPH 17   | NPD must implement a mechanism to measure the breadth, extent, and effectiveness of its community engagement practices.   | No          |
| PARAGRAPH 18   | NPD must issue quarterly reports on community engagement efforts. One report must address the results of the staffing assessment required by Paragraph 15.                        | No          |
| PARAGRAPH 19   | NPD and the City must develop practices to seek and respond to input from the community regarding the Consent Decree’s implementation.  | No          |
| PARAGRAPH 20   | NPD and the City must make all studies, analyses, and assessments required by the Consent Decree available on NPD and City websites.  | No          |
| PARAGRAPH 21   | NPD must adopt a policy to collect and maintain all data and records necessary to facilitate transparency around NPD’s policies and practices.                                    | Yes         |
| PARAGRAPH 24   | NPD and the city must cooperate with the annual surveys required by the Consent Decree and publish the survey results on NPD and city websites.                                   | No          |

The NPD passed the objectives under Paragraph 21, but failed the objectives under Paragraphs 14, 15, 16, 17, 18, 19, 20 and 24. Given that this is the first audit, the NPD will continue to face audits on all above objectives, 14-21, 24.

## IN-CAR CAMERAS

The first In-car Camera Audit was completed in 2020. The full audit report is available in Appendix B of the Independent Monitor's Twentieth Quarterly Report.<sup>27</sup>

### OVERVIEW OF FIRST IN-CAR CAMERA AUDIT RESULTS

| OBJECTIVE NO. | OBJECTIVE DESCRIPTION  | NUMBER OF VIDEOS MEETING OBJECTIVE | NUMBER OF VIDEOS ASSESSED | PERCENT OF VIDEOS MEETING STANDARD (COMPLIANCE REQ. 95%) |
|---------------|--|------------------------------------|---------------------------|--|
| 1             | Activation: Was the in-car camera activated according to policy?             | 140                                | 166                       | 84.3%  |
| 2             | Deactivation: Was the in-car camera deactivated according to policy?         | 140                                | 140                       | 100%   |
| 3             | When subject(s) were transported, were video and audio available for review? | 2                                  | 4                         | 50.0%  |

The NPD passed objective No. 2 (deactivation) based on their score of over 95%.

The NPD failed objectives No. 1 (activation) and No. 3 based on their score failing to reach 95%.

Given that this is the first audit, the NPD will continue to face audits on all above objectives.

## **AUDITS YET TO BE COMPLETED:**

### **PROPERTY AND EVIDENCE MANAGEMENT**

The onsite review for the First Property and Evidence Management Audit is complete and the results will be published in a forthcoming quarterly report.

### **SEARCHES WITH OR WITHOUT A WARRANT**

The first Searches With or Without a Warrant Audit was scheduled for April 2022. The Independent Monitoring Team faced difficulties completing this audit due to the surge of COVID-19 cases under the Omicron variant and mishaps by both the NPD and the Independent Monitoring Team. As such, the Independent Monitoring Team is currently assessing changes to the audit schedule based on these events.

### **BIAS-FREE POLICING**

The first Bias-free Policing Audit was scheduled for May 2022. However, it was postponed by the NPD.

### **STOPS**

The second Stops Audit is scheduled for October 2022.

### **USE OF FORCE**

The second Use of Force Audit was scheduled for June 2022.

### **ARRESTS WITH OR WITHOUT A WARRANT**

The first Arrests With or Without a Warrant Audit is scheduled for July 2022.

## **IN-CAR CAMERA**

The second In-car Camera audit is scheduled for August 2022.

## **ALL FORCE INVESTIGATIONS TEAM**

The first All Force Investigations Team Audit is scheduled for November 2022.

## **COMMUNITY-ORIENTED POLICING**

The second Community-oriented Policing Audit is scheduled for fall/winter 2022.

## **INTERNAL AFFAIRS**

The Independent Monitoring Team cannot begin this audit until the NPD has resolved its pending litigation with police unions and has administered Internal Affairs training.

The Independent Monitoring Team received a final draft of an Internal Affairs Manual from the NPD on April 5, 2022. The IA Manual was then submitted to then-Public Safety Director Brian O'Hara on April 19, 2022, for approval. It was approved by Director O'Hara in May 2022 and has been implemented. The IA Manual is intended to be a document to ensure best practice in receiving and investigating complaints against officers and to assist the NPD's move towards having a modern Internal Affairs Unit. Initial training on the IA Manual and revised IA procedures began on June 27.

## **DATA SYSTEMS AUDIT (EARLY WARNING SYSTEM AND RECORD MANAGEMENT SYSTEM)**

NPD has made little or no progress toward implementing key areas of the Consent Decree regarding its data management practices, so the audits for this area have not yet been scheduled.<sup>28</sup>

## V. WHAT CAN YOU DO?

### 1. READ THE CONSENT DECREE AND THE NPD'S NEW POLICIES

- The Consent Decree requires the NPD to undergo many new reforms ranging from improving data systems – including an Early Warning System to detect early signs of police misconduct – to drafting and revising new policies on important issues like community policing, use of force, body-worn cameras and officer discipline.
- You can read the Consent Decree here: <https://www.newarkpdmonitor.com/reportsresources/>
- NPD has created 16 new or revised policies. You can read the policies here: <https://www.npdconsentdecree.org/policies>.

### 2. READ REPORTS FROM THE INDEPENDENT MONITOR AND THE NPD

- The Independent Monitor is required to issue quarterly reports that provide updates on the NPD's progress in implementing Consent Decree reforms. These updates include results from the audits, as well as the annual community surveys. You can read the Independent Monitor's Quarterly Reports here: <https://www.newark-pdmonitor.com/reportsresources/>. Beginning in 2022, the Independent Monitor will issue semi-annual reports.
- The NPD is required to issue quarterly reports on its efforts to engage with the community. To learn more about the NPD's community engagement efforts, read the NPD's Community Engagement Reports here: <https://www.npdconsentdecree.org/community-engagement-report>.
- The NPD is required to issue status reports on its self-reported progress in implementing Consent Decree reforms. Read NPD's Status Reports here: <https://www.npdconsentdecree.org/city-of-newark-consent-decree>.

### **3. FIND OUT WHO FROM NPD SERVES IN THE CONSENT DECREE AND PLANNING DIVISION AND WHO THE COMMUNITY SERVICE OFFICERS ARE IN YOUR NEIGHBORHOOD**

- The officers assigned to work in the NPD's Consent Decree & Planning Division lead the Consent Decree reform efforts, including drafting new policies, developing trainings and working with the community to receive feedback. You can learn more about the officers working in the Consent Decree & Planning Division here: <https://www.npdconsentdecree.org/>.

The Consent Decree also requires at least two Community Service Officers (CSOs) be assigned to each precinct. CSOs are responsible for working closely with community members to identify problems and find solutions. For example, CSOs regularly attend and host community meetings. You can find your CSOs' information here: <https://www.npdconsentdecree.org/community-service-officers>.

### **4. GET TO KNOW THE LEADERSHIP OF THE NPD PRECINCT IN YOUR NEIGHBORHOOD**

- The contact information for each precinct Captain is listed below under "NPD Contact Information."

### **5. LEARN ABOUT YOUR FIRST AMENDMENT RIGHT TO RECORD OFFICERS IN NEWARK**

- The right to record and criticize law enforcement action is an important right that has become increasingly exercised by the public. Occasionally, these actions are met with hostility by officers. So, what are your First Amendment rights if you were to be present at a search, stop or arrest?
- According to NPD policy, if you are recording from a place where you have a "legal right to be," an NPD officer may not: stop or arrest you, order you to stop recording, demand your identification, demand reasoning for your actions, intentionally block your recording or, in any way, threaten, intimidate or otherwise discourage you from taking these actions.
  - The officer may also not demand that you delete a recording or seize your recording without a warrant.
  - Also, NPD officers cannot use or threaten to use force against you in response to any criticism or gestures as long as your action does not give rise to a reasonable fear of harm to the officer(s) or others, violate the law or incite others to violate the law.
- For more information on the NPD's First Amendment policy, visit [https://www.npdconsentdecree.org/\\_files/ugd/582c35\\_d198ac4670cc41c2b075fccfeaa85245.pdf](https://www.npdconsentdecree.org/_files/ugd/582c35_d198ac4670cc41c2b075fccfeaa85245.pdf). Also check out our First Amendment Know Your Rights webpage: <https://www.njisj.org/knowyourrights>.
- In December 2020, the New Jersey Office of the Attorney General implemented a statewide First Amendment directive that is modeled after Newark's policy: <https://www.nj.gov/oag/dcj/agguide/directives/ag-Directive-2021-11-Rght-to-Record.pdf>.

## 6. LEARN ABOUT BODY-WORN CAMERAS IN NEWARK

- The use of body-worn cameras in police-public interactions has garnered national attention. As just one example, in Louisville, Kentucky, Metro Police Chief Steve Conrad was fired in 2020 after his officers did not activate their body-worn cameras during the shooting death of David McAtee, a local business owner.<sup>29</sup>
- Here in Newark, the Consent Decree requires NPD officers to use body-worn cameras. To read NPD's body-worn camera policy, visit <https://www.npdconsentdecree.org/policies>.
- To learn more about how body-worn cameras are being implemented in Newark, visit: <https://www.npdconsentdecree.org/body-worn-cameras>.

## 7. ATTEND QUARTERLY REPORT EVENTS

- The Institute regularly hosts public forums where the Independent Monitor and representatives from the NPD will discuss the findings in the Quarterly Reports and will answer questions from the audience. The last event took place on June 1, 2022 at St. John's Community Baptist Church in Newark. To learn about future events please join our email list at <https://www.njsj.org/join>. Follow the Institute on Twitter at @NJ\_ISJ for updates on the next event.

## 8. SHARE YOUR THOUGHTS ON POLICING WITH THE NPD AND/OR THE INDEPENDENT MONITORING TEAM

- If you witness police misconduct or have something to say about policing in Newark or the Consent Decree process, you can provide feedback directly (and anonymously) to the Independent Monitor at <https://www.newarkpdmonitor.com/feedback/>.
- You can also continue to provide feedback on the NPD's Consent Decree policies and trainings here: <https://www.npdconsentdecree.org/leave-feedback>.

**At this watershed moment in policing, please take time to participate in the police reform efforts that are underway in Newark. These eight steps are just a few examples of how you can engage in the Newark Consent Decree process and transform policing in your neighborhood.**

## **NPD CONTACT INFORMATION**

### **1ST PRECINCT**

- Captain Christopher Brown
- Address: 10 17th Avenue, Newark, NJ 07103
- Phone: (973)-353-7171
- Email Address: brownnc@ci.newark.nj.us
- Visit: <https://npd.newarkpublicsafety.org/precincts/first>

### **2ND PRECINCT**

- Captain Gerardo Rodriguez
- Address: 1 Lincoln Avenue, Newark, NJ 07109
- Phone: (973) 733-6080
- Email Address: rodriguezg@ci.newark.nj.us
- Visit: <https://npd.newarkpublicsafety.org/precincts/second>

### **3RD PRECINCT**

- Captain Joao Carvalho
- Address: 649 Market Street, Newark, NJ 07105
- Phone: (973) 733-6190
- Email Address: carvalhoj@ci.newark.nj.us
- Visit: <https://npd.newarkpublicsafety.org/precincts/third>

## 4TH PRECINCT

- Captain Mario Martin
- Address: 247 16th Avenue, Newark, NJ 07103
- Phone: (973) 733-6060
- Email Address: martinm@ci.newark.nj.us
- Visit: <https://npd.newarkpublicsafety.org/precincts/fourth>

## 5TH PRECINCT

- Captain Wyhidi Wilson
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- Phone: (973) 733-6070
- Email Address: wilsonw@ci.newark.nj.us
- Visit: <https://npd.newarkpublicsafety.org/precincts/fifth>

## 6TH PRECINCT

- Captain Christopher Brown
- Address: 491 Irvington Avenue, Newark, NJ 07106
- Phone: (973) 923-1473
- Email Address: brownc@ci.newark.nj.us
- Visit: <https://npd.newarkpublicsafety.org/precincts/sixth>

## 7TH PRECINCT

- Captain Michael Leroux
- Address: 159 North 10th Street, Newark, NJ 07107
- Phone: (973) 645-1819
- Email Address: lerouxm@ci.newark.nj.us
- Visit: <https://npd.newarkpublicsafety.org/precincts/seventh>

- <sup>1</sup> *The Spark*, RISE UP NEWARK, <http://riseupnewark.com/chapters/chapter-3/part-2/the-spark/> (last visited Jun 30, 2022).
- <sup>2</sup> Evan Hill et al., *How George Floyd was Killed in Police Custody*, N.Y. TIMES (May 31, 2020), <https://www.nytimes.com/2020/05/31/us/george-floyd-investigation.html>.
- <sup>3</sup> As just one example, Maurice Gordon, an unarmed Black man with mental health issues, was killed during a traffic stop in New Jersey. Fabiola Cineas, *The police shooting of Maurice Gordon, a Black man killed during a traffic stop, explained*, VOX (June 9, 2020), <https://www.vox.com/identities/2020/6/9/21285536/maurice-gordon-police-shooting-explained>.
- <sup>4</sup> Tracey Tully & Kevin Armstrong, *How a City Once Consumed by Civil Unrest Has Kept Protests Peaceful*, N.Y. TIMES (Jun 1, 2020), <https://www.nytimes.com/2020/06/01/nyregion/newark-peaceful-protests-george-floyd.html>.
- <sup>5</sup> Tom Moran, *Newark cops, with reform, didn't fire a single shot in 2020*, NJ.COM (Jan. 11, 2021), <https://www.nj.com/news/2021/01/newark-cops-with-reform-didnt-fire-a-single-shot-in-2020-moran.html>.
- <sup>6</sup> Sarah Childress, *Inside 20 Years of Federal Police Probes*, FRONTLINE (Dec. 14, 2015), <https://www.pbs.org/wgbh/frontline/article/inside-20-years-of-federal-police-probes/>.
- <sup>7</sup> John Seewer, *How city police departments with consent decrees are faring*, AP (Apr. 4, 2017), <https://apnews.com/article/555394d179c34d84aaea8008c2cc9eb5>.
- <sup>8</sup> *In the Matter of a Petition for an Investigation into the Newark, New Jersey Police Department by the United States Department of Justice Pursuant to § 42 U.S.C. 14141*, ACLU-NJ 2 (Sept. 9, 2010), <https://www.aclu-nj.org/files/5213/1540/4574/090910NPDUSDOJPEtition.pdf>.
- <sup>9</sup> *Id.*
- <sup>10</sup> *Id.*
- <sup>11</sup> *Investigation of the Newark Police Department*, U.S. DEP'T. JUST. 8-9 (Jul. 22, 2014), <https://www.justice.gov/sites/default/files/usao-nj/legacy/2014/07/22/NPD%20Findings%20Report.pdf>.
- <sup>12</sup> *Id.* at 2.
- <sup>13</sup> *Id.* at 24.
- <sup>14</sup> *Id.* at 2.
- <sup>15</sup> *Id.* at 2.
- <sup>16</sup> As new policies and trainings were created, the NPD and the Independent Monitor sought feedback from the community through a series of public meetings where the community could review and provide comments on the proposed policies and trainings.
- <sup>17</sup> This policy was not required by the Consent Decree.
- <sup>18</sup> This policy was not required by the Consent Decree, although this policy is addressed in the Stops, Searches and Arrests training.
- <sup>19</sup> Independent Monitor – Fifteenth Quarterly Report, NPD INDEP. MONITOR 6 (Jan. 28, 2014), <https://npdmonitor.wpengine.com/wp-content/uploads/2021/01/Fifteenth-Quarterly-Report-Filed-1.28.2021.pdf>.
- <sup>20</sup> Whether the NPD achieves substantial compliance for a particular Consent Decree reform is determined by the audit methodology selected for that reform area. For example, in some cases, where the Independent Monitoring Team is reviewing data, substantial compliance might require 95% of the data reviewed to be in compliance. In other cases, substantial compliance might be determined by answering a binary (yes or no) question.
- <sup>21</sup> Independent Monitor – Twelfth Quarterly Report, NPD INDEP. MONITOR 60 (Apr. 27, 2020), [https://npdmonitor.wpengine.com/wp-content/uploads/2020/04/Twelfth-Quarterly-Report\\_4.27.2020-1.pdf](https://npdmonitor.wpengine.com/wp-content/uploads/2020/04/Twelfth-Quarterly-Report_4.27.2020-1.pdf).
- <sup>22</sup> Independent Monitor – Twentieth Quarterly Report, NPD INDEP. MONITOR 47 (Apr. 28, 2022), <https://www.newarkpdmonitor.com/wp-content/uploads/2022/04/Twentieth-Quarterly-Report-4.28.22-1.pdf>.

<sup>23</sup> Independent Monitor – Eighteenth Quarterly Report, NPD INDEP. MONITOR 54 (Oct. 15, 2021), <https://npdmonitor.wpengine.com/wp-content/uploads/2021/10/Eighteenth-Quarterly-Report-10.15.21.pdf>.

<sup>24</sup> Independent Monitor – Nineteenth Quarterly Report, NPD INDEP. MONITOR 59 (Dec. 29, 2021), <https://www.newarkpdmonitor.com/wp-content/uploads/2021/12/Nineteenth-Quarterly-Report-December-29-2021.pdf>.

<sup>25</sup> See U.S. DEP'T HOMELAND SEC., TECHNICAL NOTE COMPUTER AIDED DISPATCH SYSTEMS 1 (2011), [https://www.dhs.gov/sites/default/files/publications/CAD\\_TN\\_0911-508.pdf](https://www.dhs.gov/sites/default/files/publications/CAD_TN_0911-508.pdf), for more information about Computer-aided Dispatch (CAD) systems.

<sup>26</sup> Independent Monitor – Eighteenth Quarterly Report, *supra* note 23 at 157.

<sup>27</sup> Independent Monitor – Twentieth Quarterly Report, *supra* note 22 at 47.

<sup>28</sup> Independent Monitor – Second Quarterly Report, NPD INDEP. MONITOR 40 (Oct. 6, 2017), <https://npdmonitor.wpengine.com/wp-content/uploads/2017/10/Monitoring-Team-Second-Quarterly-Report.pdf>; Independent Monitor – Ninth Quarterly Report, NPD INDEP. MONITOR 2 (Oct. 25, 2019), <https://npdmonitor.wpengine.com/wp-content/uploads/2019/10/Ninth-Quarterly-Report.pdf>.

<sup>29</sup>Doha Madani, *Louisville police chief fired after officer bodycams found to be off during fatal shooting*, NBC NEWS (May 29, 2020), <https://www.nbcnews.com/news/us-news/louisville-police-chief-fired-after-officer-bodycams-found-be-during-n1221351>.



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